

**GOVERNORS'  
CONFERENCE  
PROCEEDINGS**

**== 1916 ==**

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**PROCEEDINGS**

**OF THE**

**NINTH**

**MEETING OF THE GOVERNORS**

**OF THE**

**STATES OF THE UNION**

**HELD AT**

**WASHINGTON, D. C.**

**DECEMBER 14-16**

**1916**

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## ORGANIZATION

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### Executive Committee

HONORABLE WILLIAM SPRY, Utah

GOVERNOR ARTHUR CAPPER, Kansas

GOVERNOR RICHARD I. MANNING, South Carolina

### Treasurer

HONORABLE JOHN FRANKLIN FORT

Essex Building, Newark, New Jersey

### Secretary

MILES C. RILEY

Madison, Wisconsin

## ATTENDANCE ROLL

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<i>Alabama</i>	Governor Charles Henderson
<i>Colorado</i>	Former Governor John F. Shafroth
<i>Connecticut</i>	Governor Marcus H. Holcomb
	Former Governor Frank B. Weeks
<i>Delaware</i>	Governor Charles R. Miller
	Governor-Elect John G. Townsend
<i>Florida</i>	Governor Park Trammell
<i>Illinois</i>	Governor Edward F. Dunne
<i>Indiana</i>	Governor-Elect James P. Goodrich
<i>Kansas</i>	Governor Arthur Capper
<i>Maine</i>	Governor-Elect C. E. Milliken
	Former Governor William T. Haines
<i>Maryland</i>	Governor Emerson C. Harrington
<i>Massachusetts</i>	Governor Samuel W. McCall
	Former Governor David I. Walsh
<i>Missouri</i>	Governor-Elect Frederick D. Gardner
<i>Montana</i>	Governor S. V. Stewart
<i>Nebraska</i>	Governor-Elect Keith Neville
<i>New Hampshire</i>	Governor Rolland H. Spaulding
	Former Governor Henry B. Quinby
<i>New Jersey</i>	Governor-Elect Walter E. Edge
	Former Governor John Franklin Fort
<i>New York</i>	Governor Charles S. Whitman
	Former Governor Martin H. Glynn
<i>Pennsylvania</i>	Governor Martin G. Brumbaugh
<i>South Carolina</i>	Governor Richard I. Manning
<i>South Dakota</i>	Governor Frank M. Byrne
	Governor-Elect Peter Norbeck
<i>Utah</i>	Governor William Spry
	Governor-Elect Simon Bamberger
<i>Virginia</i>	Governor Henry C. Stuart
<i>Wyoming</i>	Governor John B. Kendrick



# GOVERNORS' CONFERENCE

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## ARTICLES OF ORGANIZATION

### ARTICLE I.

The style of this organization shall be the "Governors' Conference."

### ARTICLE II.

Active membership in the Governors' Conference shall be restricted to the Governors of the several states and territories of the United States, the term "Governors" to include Governors-Elect. Ex-Governors shall be received as honorary members and, as such, shall be entitled to all the rights and privileges of active membership except the right of voting.

### ARTICLE III.

The functions of the Governors' Conference shall be to meet yearly for an exchange of views and experience on subjects of general importance to the people of the several states, the promotion of greater uniformity in state legislation and the attainment of greater efficiency in state administration.

### ARTICLE IV.

The Conference shall meet annually at a time and place selected by the members at the preceding annual meeting.

### ARTICLE V.

The Conference shall have no permanent president.

A Governor shall be selected by the Executive Committee at the close of each half day's session to preside at the succeeding meeting.

### ARTICLE VI.

There shall be no permanent rules for the government of the Conference in discussion or debate, but the procedure at any session shall be subject to the pleasure of the Governors present.

## ARTICLE VII.

The proceedings of the Conference shall be fully reported and published.

## ARTICLE VIII.

The affairs of the Conference shall be managed by an Executive Committee composed of three members to be chosen by the Conference at the regular annual meeting. They shall hold office until the close of the succeeding regular annual meeting and until their successors are chosen. Vacancies in the Executive Committee may be filled by the remaining members thereof.

## ARTICLE IX.

A secretary and a treasurer shall be elected by the Conference at each annual meeting.

The secretary shall attend all meetings of the Conference, keep a correct record thereof, safely keep and account for all documents, papers and other property of the Conference which shall come into his hands, and shall perform all other duties usually appertaining to his office or which may be required by the Executive Committee. He shall be paid an annual salary of not to exceed twenty-five hundred dollars and shall be reimbursed his actual and necessary expenses incurred while traveling on the business of the Conference.

The secretary shall annually prepare and submit to the Conference a budget of the expenses for the ensuing year. He shall make all necessary arrangements for a program for the regular annual meeting and shall edit the stenographic reports of the proceedings at all meetings. He shall, also, so far as possible, co-operate and keep in touch with organizations, societies and other agencies designed to promote uniformity of legislation.

## ARTICLE X.

The treasurer shall have the custody of the funds of the Conference, subject to the rules of the Executive Committee. He shall deposit funds of the Conference in its name, shall annually report all receipts, disbursements and balances on hand, and shall furnish a bond with sufficient sureties conditioned for the faithful performance of his duties.

## ARTICLE XI.

Persons not members of the Conference shall not be heard until the regular order of business for the day has been concluded, and then only

by unanimous consent. All programs for social entertainment must be approved in advance by the Executive Committee.

## ARTICLE XII.

These articles or any of them may be altered, amended, added to or repealed at any time by a majority vote of all Governors present and voting at any regular annual meeting of the Conference.



# MEETING OF GOVERNORS

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## NINTH ANNUAL SESSION

THURSDAY, DECEMBER 14, 1916.

The Ninth Conference of Governors was called to order in the New Willard Hotel, Washington, D. C., at 10:50 a. m., by Governor William Spry of Utah, Chairman of the Executive Committee.

GOVERNOR SPRY—Gentlemen of the Conference: It affords me much pleasure to meet with you even at this late date. The people of Utah regretted very much that the circumstances of the past summer made it impossible for the Governors to meet together in Salt Lake City, but, owing th the National situation, of course, that was impracticable; however, next summer we hope to do to you just what we intended doing to you this summer. These matters we can take up later on with the Executive Committee.

It is very fortunate that we are promised such a splendid attendance at this Conference. I understand from our Secretary that approximately 45 governors, governors-elect and former governors have promised to be in attendance, and, while we are not all at the opening session, we sincerely hope that all these gentlemen will see their way clear to meet with us before the afternoon or tomorrow morning.

I have great pleasure, gentlemen, in introducing to you this morning Honorable Oliver P. Newman, President of the District Commissioners, who will extend a welcome to you.

## ADDRESS OF WELCOME

HONORABLE OLIVER P. NEWMAN.

Mr. President, and gentlemen of the Governors' Conference: I am glad indeed to welcome you to the District of Columbia. I feel as if you sort of belong here; that this is eminently the proper place for you to meet together and hold the conference you are about to hold. I feel particularly glad, in a personal way also, to welcome you because I discharge some of the functions as a Commissioner of the District that you discharge as chief executives in the states.

The District of Columbia, as we all know, is a curious political entity—it is neither flesh, fish nor fowl. We have many of the attributes of a city, in fact all, practically; a great many of the attributes of a county, and many of the attributes of a state, without being any of the three. The casual visitor to this city is likely to think about Washington as the home of Congress, the seat of government, where the treasury is at one end of the Avenue and the Capitol at the other. The President is here, the embassies and legations are here, and he is not so apt to think of the community as being something more than a community of 350,000 people who have their being irrespective of the fact that the seat of government is here, and who have the same ideals, aspirations and problems that people elsewhere have.

The government of these 350,000 people happens at this time to be rather an arbitrary form of government and has been since 1878. They have no voice in the appointment of the Commissioners, who are the executive authority and to some extent the legislative authority for the District. It works very well, however, and is not, as is sometimes said, an autocracy or absolute monarchy, because it really is a government of one hundred million people of the United States and is brought into being by them. The fact that the Commissioners are appointed by the President from the country, makes the District government representative and responsible to the people.

The Chairman of your Executive Committee spoke of welcoming you to Salt Lake City. I have no doubt that would be a delightful place to meet, but I hope you will always feel you are welcome in Washington. You ought to feel welcome here because it is your city as much as ours. The people of the United States pay half of our bills, and I have found that when one has a material, as well as a sentimental interest in a thing, he feels the interest more intensely—so this is your town.

You really need no formal welcome and there is no necessity of presenting a key to the city though I am glad to theoretically do so.

I wish you a successful conference, and I am sure that if the people of the District could speak through me, as the people of the states speak through you, they would want me to welcome you to Washington and wish you a successful session.

GOVERNOR SPRY—Our Brother Spaulding, of New Hampshire, I presume has had a speech of response in cold storage ever since last June. He was selected to offer a response to the address of welcome at the Salt Lake City meeting, and as all things improve with age, as we ourselves have done, I have no doubt but that Governor Spaulding will be quite ready to respond to the address of welcome so ably delivered by the Honorable Mr. Newman. I call upon Governor Spaulding of New Hampshire to deliver the response.

## RESPONSE TO WELCOME

GOVERNOR ROLLAND H. SPAULDING, New Hampshire.

Mr. Chairman, Commissioner Newman and Fellow Members of the Governors' Conference: It is very fitting that the Conference of Governors should be held this year in this city of Washington. It was here, you will remember, that the first session of the conference was held; with so

much success that an impetus was gained which has kept the machinery working, and working well, ever since.

Now, when the states as individuals and the states united as a whole in one great nation are confronted with the most serious problems that have arisen in my lifetime, it is well that we should choose the nation's capital once more as our meeting place.

Personally, I had looked forward with unusual pleasure to the session of the conference which it was proposed to hold in Salt Lake City last summer.

I felt that it would do us Eastern Governors good to cross the prairies, climb the Rockies and witness the wonders of the real West.

But at the time set for the conference all of its members were so busy trying to get their National Guardsmen to the border that we could not leave our own states and the trip to Utah had to be abandoned.

It will be one of the lasting regrets of my life that I could not enjoy the proffered hospitality of Governor Spry and his splendid state; and broaden my view and deepen my experience by that crossing of the continent.

That regret, however, does not lessen my pleasure in being here today; in meeting so many of those whose acquaintance I made in Boston in 1915; and in looking forward to the forming of new friendships at the present gathering.

To the governors-elect who are present I wish to say, what I need not say to the governors re-elected, that they will find these conferences a source not only of social pleasure and of genuine good-fellowship but also of real value and important assistance in the performance of their official duties.

Those of us who are retiring from office with the new year will have these sessions among our pleasant memories; and we will be ready to acknowledge that because of them we have been able to take a broader view of great questions; to bring to the solution of vexing problems the experience of other governors and other states; to be wiser men, more efficient executives, better citizens, as well as better officials,



of our own commonwealths and of the United States of America.

It is because I am, I hope, a good citizen of the United States as well as of the state of New Hampshire, that I like to come to Washington, the nation's capital.

We have been welcomed to Washington today eloquently and sincerely; we have been made to see and to feel how this great and beautiful city, this magnificent seat of government, regards its guests.

Now I wish to express very briefly how I regard Washington. I come here as a shareholder in the world's greatest corporation; as a partner in the world's greatest firm; as a part owner in the world's greatest property, to look over the executive offices of the plant; to see in person the men who are at the head of the business; to judge for myself, on the ground, how well they are administering the present and forecasting the future of our common estate.

I wish to judge for myself if all the things are being done here that ought to be done here; if some things are being done here that ought not to be done anywhere; and if some things are being done here that ought to be done elsewhere.

We do not hear much about "states' rights" these days. As a Yankee Republican from New England I ought not to be the one to revive the subject. And this is not the place on the program for starting a discussion.

But I do believe that the states have some rights which they ought to maintain and to guard. I do believe that there are some things which the national government ought not to claim for its exclusive ownership, control and regulation.

I will not now stray further from my proper function at this time which is to say for all of us governors, ex-governors, and governors-elect, that we are glad to be in Washington, which we are; and that we admire the city and appreciate its welcome, which we do.

We New Hampshire folks feel a peculiar interest in Washington, because in the good old days of Republican rule our venerable and distinguished statesman, United States Senator Jacob H. Gallinger, was for many years at the head

of the senate committee on the District of Columbia; and the good work he did for the city of Washington in that capacity is one of the parts of his record of which he is most proud and of which we are proud for him.

Certainly it is a great and beautiful city which has been built here on the Potomac; but not great enough or beautiful enough to be the entirely worthy capital city of a nation such as ours. Every time I come here I see new and fine improvements; I see a better Washington than the one I knew before. And yet I see, every time, need for further improvements, opportunities for great and splendid betterments, which surely will be made in the not distant future.

Today in Washington there is so much to see, so much to enjoy, so much to learn, so much to admire, that we may begrudge the time devoted to the serious sessions of this conference. But I hope we shall not allow Washington's warm welcome thus to beguile us.

For myself, I consider it an experience not to be forgotten, an education not to be neglected, merely to touch shoulders and clasp hands with you men here from North and South and East and West.

Many of the states have the same problems, suffrage, labor, liquor, roads, schools, taxes, and so on. Other states are peculiar in one way or another. For instance, it is only some of the New England states which elect a governor, hold him responsible for the results of his administration, and then give him into the charge of a band of keepers known as executive councilors.

But you men know so many things that I want to know; your states are solving so many problems that New Hampshire needs to solve, that I anticipate these conferences with pleasure and depart from them the richer for having attended.

At this conference, here in Washington, at the nation's capital, under the nation's flag, every one of us ought to be filled with new patriotism, ought to feel that we are really and truly, every one of us, at home.

Especially should we have that feeling after the address of welcome with which we have been honored and for which

I return the heart-felt thanks of the Conference as a whole and of its individual members.

GOVERNOR SPRY—Gentlemen, Governor Stuart of Virginia, who is a member of the Executive Committee, desires to make a few remarks.

GOVERNOR STUART—Mr. Chairman and Fellow Governors: I had not expected to say anything this morning, but as I have been sitting here it occurs to me that you gentlemen are meeting very near Virginia soil. Just across the Potomac river you will find the Old Dominion. You can look from your hotel windows into Virginia. I feel that I would fail to express the spirit of the people of my state did I not add a word to what has already been said in the nature of a welcome to this part of the country. One of the features on the program is a visit to Mount Vernon. I believe that is to be on Saturday, which journey will take you into the state of Virginia.

I would like to say and do now say, and I hope that I may have some favorable response, that the entire delegation will be most welcome guests in the city of Richmond, if we can induce you to run down there and look at that historic city. The trip can be arranged any time during the week when the program will permit of it. I feel our people would be delighted to have the pleasure of entertaining the Conference. I do not know of any great attraction that could be offered other than hearty good will and genuine hospitality. I also want to say something to the visiting governors, though Governor Harrington of Maryland may dispute this point with me, and that is that Virginia is the nearest neighbor of the District of Columbia.

I feel that we are going to have a most successful meeting and a most helpful one. I have only attended one Conference—the one held in Boston nearly two years ago and I have a pleasant recollection of it all. I bid you all, so far as I may as a member of the Executive Committee and Governor of a nearby state, a most hearty welcome.

The distance between Washington and Richmond is nothing like as great as it was thought to be fifty years ago.

When Richmond was the Capital of the Southern Confederacy and Washington the Capital of the Union, it took four days to make the trip, but the distance can be traveled now in two and one-half hours over a fine double-track railroad with fine equipment. A special train can be arranged for you and you can make the stay in Richmond as short as is your pleasure to make it. I trust you will give me the opportunity of seeing as many of you as is possible down there.

GOVERNOR SPRY—In view of this kind invitation extended by Governor Stuart of Virginia it occurs to me that it might be well to appoint a committee to look into the question and ascertain the wishes of the Conference with relation to the journey to Richmond. If there are no objections I would like to appoint a committee of three to take care of the matter. Are there any objections to the committee being appointed? If not I will appoint

Governor Stewart of Montana

Governor Spaulding of New Hampshire

Governor Manning of South Carolina.

If these gentlemen will take up the question they can make their report later.

I desire to say, gentlemen, that as your program indicates, whatever may be said or done here necessarily must be of an informal character. The meeting was called hurriedly. We attempted to arrange for this Conference in one or two other cities, but for reasons that each one of you will readily understand this became impossible. It was concluded that Washington would perhaps be the best place for us to meet at this season of the year. We appreciated the fact that the year had nearly run and that many of the governors had retired from office, others had been elected to take their places and would be busy in preparing messages to incoming legislatures, and we appreciated also the fact that some had work here in this District which they ought to take care of before going out or coming in, and, finally, we appreciated that above all other cities the city of Washing-

ton appealed most to all the governors,—and so the meeting was called for this city.

No regular preparation, such as has prevailed at our other Conferences, and I mean by that no set speeches, no regular program, was arranged for this Conference in view of the hurried way in which it was brought about, so that each governor will be expected to feel perfectly at ease in discussing the various subjects that might be brought before the Conference. We want each of you to feel free to bring up any subject that may be of special interest to you, to your states or to the work of the Conference.

We have been meeting now for several years. The first Conference was held in this city, and, speaking for myself, I am fully persuaded that the work of the Conference—I am saying this more particularly now to our governors-elect—has been of material benefit to the various states in the Union as they have been represented by their chief executives at the several Conferences held in the different states. There has been a wonderful exchange of ideas in these conferences; ideas most potent and applying closely to the needs of the country have been brought up on the floor of our Conferences and each governor has been able to secure the very best judgment and ideas of the governors who have been present and who have participated in the discussions. So I feel that not only the governors who have identified themselves with the Conferences of the past, but the states which they represented, have received material benefit from the work of the Governors' Conferences. It has been generally understood that there is no disposition on the part of the Conference, as a Conference, or on the part of any member of the Conference, to interfere with any other organized body or to inject anything that might perchance become a burden to such other organization. There was perhaps some suspicion in the early days of this Conference, that there was a disposition on the part of the governors of the various states to usurp some of the functions and prerogatives of the Congress of the United States, but I think very early in the history of the Conference we disabused the minds of those interested as to any intention on

our part to encroach upon their preserves then or now. The work done at our Conferences has related to the practical administration of state affairs in our own homes and states. The good that has been accomplished has been wonderful. I know that Utah has benefited materially from the counsel, advice and various suggestions made by the governors of the other states and Utah has appreciated to the fullest extent the work done by the Conferences of Governors. I sincerely hope that these Conferences may be perpetuated, that they may continue from year to year for the good they bring to the men who can find time and can arrange to attend.

I regret again that we were unable to meet in Salt Lake City as arranged at our last Conference in Boston. I felt, however, at the time the invitation was extended, that we could not possibly offer to the governors such a very splendid reception as we received last year in the state of Massachusetts. That is one of the Conferences that has stamped itself indelibly upon my memory—one I shall never forget. The Conference owes an obligation to Massachusetts. While we might not have been able to give you in Salt Lake City what Boston gave you last June, yet we would have done the best we could for you, and the hospitality for which the West is noted would have been meted out to you unsparingly. I hope before we get through with our session we shall again conclude that, regardless of the distance (Governor Stuart, I think you enjoyed the trip as you came over the road) we can again decide to go to Salt Lake City next June. The people of Utah were disappointed when we were forced to call off the dates for the reasons mentioned this morning. We are anxious for you to come and later on in our Executive session I hope we will be able to determine that point.

As I have said we expect every gentleman present at this Conference and those who come later (we are expecting many others) to feel perfectly at home, to present any thought or suggestion which you may feel will be of interest and value to the Conference because we are here to learn, we are here for the purpose of assisting each other and being

assisted ourselves in the work we have undertaken. To do so let us not hesitate one moment to bring up any subject or suggestion and let us not hesitate to participate in the discussion of any subject presented, because it will unquestionably be for the good of the whole.

GOVERNOR HARRINGTON—Mr. President, may I speak briefly? I had intended this afternoon, when I am on the program for an address on the Executive Budget, to take advantage of the opportunity to extend an invitation to my fellow Governors to visit Annapolis. I do not desire to interfere in any way with the invitation of the Governor of Virginia, but if the trips can be arranged both to Richmond and Annapolis, it would give me great pleasure on behalf of our state to entertain the governors at the latter city. We have there the ancient Capitol where a great many things of historic interest to the people of our whole country can be seen, the old senate chamber where Washington resigned his commission, and the Naval Academy, as you know, is located there. I am confident that some of the Governors may not have had an opportunity to visit that institution. I want now to take advantage of the opportunity, which I intended to take later, to extend a cordial invitation to you to visit the city of Annapolis. The train schedule is fine; it takes about one and one-half hours to go and return, and if the Conference can arrange, I would be delighted to extend to you the hospitality of Maryland and will do all possible to make your visit to Annapolis interesting in every way.

GOVERNOR SPRY—Governor Harrington, have you any objection to the committee that has been appointed to consider Governor Stuart's invitation also taking your invitation under consideration? If there is no objection, Governor Harrington, the matter is referred to the same committee.

Governor Fort has something to offer to the Conference, and we will be glad to hear from him. I want to say that Governor Fort is the dean of us all. He was here when I came and he has been here ever since. I do not know what

we would have done without Governor Fort. He has been something of a guiding star. He has kept us within our bounds and certainly has been willing to take a good deal of work off the hands of the various executive committees. I want to express the hope that he will remain with us always.

FORMER GOVERNOR FORT—I used to be Governor of New Jersey. In 1908 when we held our first Conference we met at the White House. At this first Conference they elected me treasurer and I have been unable to resign since. I have attended every Conference held so far. This year, unfortunately for me, when we received word that the Conference would be held in Washington, Governor Spry was in Salt Lake City, the Secretary was in Madison and the only nearby member of the Executive Committee was Governor Stuart. In some way they just thought I was near in Jersey and must make the arrangements, which I did as best I could.

When I came here to make the arrangements the proposition was what the President was going to do, so I saw his Secretary and arranged for a dinner. Invitations to this dinner will be here in a few moments for the governors, the governors-elect and their wives, and if there are any former governors here please make yourselves known if I do not know you already. The dinner is at 8 o'clock and is tendered by Mrs. Wilson and the President. No doubt you were all advised of this dinner. It was suggested that you be advised by wire because if letters were sent they might pass you on the way.

Here is a letter from Secretary Daniels just handed to me:

THE SECRETARY OF THE NAVY,  
Washington.

December 12, 1916.

To the Conference of Governors:

I am writing to express the hope that the Governors attending this Conference and their wives will do me the honor to be my guest on the *DOLPHIN*, and make a visit



to Mount Vernon on Saturday, December 16th. The *DOLPHIN* will leave the Washington Navy Yard at 2 o'clock Saturday afternoon. The sail down the Potomac will last about an hour, permitting a leisurely visit to Mount Vernon and the return of the entire party to the city by 6 o'clock.

In personal conversation with former Governor Fort, I asked him to extend this invitation to the Conference, and I sincerely hope it will be the pleasure of that body to accept it.

Sincerely yours,

JOSEPHUS DANIELS.

The Conference of Governors,  
Washington, D. C.

It was moved and seconded that the invitation of Secretary Daniels be accepted with thanks.

FORMER GOVERNOR FORT—I want to make a suggestion if I may—I cannot make a motion. The governors of the states and territories are members of this Conference. I invited Commissioner Newman to deliver the address of welcome to you. He is in a way, the governor of the District of Columbia. I think the President of the Board of Commissioners of the District of Columbia would feel it a compliment if he were made a member of this Conference, and I was wondering if we could do this with propriety. This is a suggestion to you.

Mr. Chairman, I would like to have you appoint a committee of two to audit the treasurer's account. The papers are upstairs. I can take one or two of you up to my room and go over the vouchers, checks and pass book so that the report will be ready for executive session whenever that is held.

I will see that you get the dinner invitations as soon as they come. The President and Mrs. Wilson are very anxious and desire that we shall be present tonight. It is estimated there will be about sixty present. I hope that none of you will fail to attend. Some are not here yet.

GOVERNOR SPRY—What will you do, gentlemen, with Governor Fort's suggestion with reference to the President of the Board of Commissioners of the District of Columbia?

GOVERNOR DUNNE—I suggest the matter be referred to the Executive Committee.

GOVERNOR SPRY—If that is the wish of the Conference the Executive Committee will consider the matter and make report before the close of the Conference.

Meeting was then adjourned until 2:30 p. m.

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## THURSDAY AFTERNOON SESSION

December 14, 1916.

(The conference reconvened at 2:35 p. m., Governor Marcus H. Holcomb of Connecticut, presiding.)

GOVERNOR HOLCOMB—The hour has arrived for opening this session. I suggest that those present take seats in front. You will then be out of the way of those who come in later.

We have with us Mr. McFarland, President of the American Civic Association. His organization is holding meetings in this hotel at the present time, and he wishes to extend greetings to this organization.

### ADDRESS

MR. HORACE T. MCFARLAND, President of the American Civic Association

Your Excellencies: The American Civic Association is a national organization which is meeting in the Willard Hotel at the present time. Its sessions are open of course to

all, but we desire particularly to state to you that we should be delighted to see you at any of them. All of the questions discussed are matters which at one time or another in your administration will touch you one way or another. We are always glad indeed to have those call upon us or look in upon us who are interested in general civic endeavors.

Another thing that I would say to you is this—that the American Civic Association has its headquarters here in Washington. It maintains a well organized office here throughout the year.

The association has to deal with problems relating to civic advance, and it deals with those problems in an expert way. On its executive board are national experts who gladly give this work their best at all times without cost. I tell you this because I wish to offer you very cheerfully and very urgently the services of the American Civic Association. When inquiries come into your office, that you would like to reply to, and don't know about, try us. We would be delighted to be of service. We have been of service to many Governors. There is no obligation involved. We feel under obligation when we can be of any help. We are supported by philanthropic members who are honored to be of service to the American people along the lines in which we are qualified.

We have nothing to do with administrative reform. We are not interested in graft, have nothing to do with the short ballot, or anything of that sort. We are interested and know about town planning, country betterment, the abolition of bill boards, fighting the smoke nuisance, disposing of unnecessary noises, promoting national parks, and doing other things of that sort.

We have hung at our belt only recently a very interesting scalp—the establishment, in the Federal Department of the Interior, of a National Park Service, the result of six years of agitation by this Association, for the first time bringing all the national parks under logical management, and actually giving to the six thousand miles of public domain a desk in Washington which it had not previously had.

If in your executive work you happen to need help, to get an inquiry answered, understand that right here in Washington we are at your service. I thank you.

GOVERNOR HOLCOMB—On behalf of the Conference I wish to thank the American Civic Association for the kindly offer made by its president. My first experience with the Governors' Conference was last year in Massachusetts. I have had considerable curiosity to observe what benefits Conferences of the Governors will bring. Of course we all enjoyed ourselves at the Boston Conference, but the entertainment was of such a cyclonic character that it overshadowed the work of the Governors. I anticipated a great deal of pleasure this year in meeting with the Governors at Salt Lake City. But you know the Mexicans raised a rumpus and it kept the Governors at home. However, I personally was not satisfied to let it go at that. Our Connecticut troops were down at Nogales on the border. I went down there to visit them, then went to San Francisco, came back through Salt Lake City, and stopped off to see Governor Spry, and found a very magnificent new Capitol there. If the Governors see fit to go there this next year, they will have a splendid place to meet. I hope that you will conclude to go to Salt Lake City for your next meeting. The eastern Governors especially can gain much advantage by going through the western States and becoming better and better acquainted with the great country in which we live. We can co-operate better.

I am a little in doubt as to what is left of States' rights following the encroachments from time to time by the federal government. Our program, however, includes one thing that is left to the States, and that is the privilege of paying taxes. We have called upon the resources which we thought belonged to the State to pay taxes, and it is becoming more difficult to find sources to levy upon. It is not a very popular, but it is a great subject, and is closely allied to subject for this afternoon—The Executive Budget.

I am informed by the Secretary that Maryland is the only state of the forty-eight that has an executive budget, and

we shall have the privilege this afternoon of listening to Governor Harrington of that State, who will read a paper on "The Executive Budget."

## THE EXECUTIVE BUDGET

Governor Emerson C. Harrington of Maryland.

Mr. Chairman and Gentlemen: A Budget, whether it be an "Executive Budget," a Budget by a Board of Public Works, or by a special appointed Budget Commission or Board of Commissioners, is practically a new thing, at least in State Government, and has not been so sufficiently tried out in any State in this country with which I am familiar as to place us in a position from experience to decide whether or not it may prove a success or a failure. I assume, however, that the manner of appropriation by the Legislatures of the other States has been like my own in the past, of such a character, now that the rapidly increasing demands for the expenditures of money has gone beyond the revenues readily available, that it has created the necessity for a more business-like and a more intelligent, system of appropriating the people's money, and in my own State, over-appropriation by the Legislature created a crisis in our fiscal system and the question became so acute that the establishment of a Budget System became the leading issue of our State political campaign of 1915, in which each one of the two great political parties vied with each other, first, in the promulgation of a platform with the Budget plank as the leading issue, and, afterwards, in attempting to convince the people that the successful redemption of this pledge would be more surely accomplished by entrusting it with the administration of the State Government.

I will, I hope, be pardoned if in the discussion of this great issue, I shall have to speak in part of my own personal participation in this campaign, but I do so only because I have been so intimately connected with the inau-

guration of the Executive Budget in Maryland, that I shall find it impossible to relate the story of its establishment without a few personal allusions. May I not, therefore, as briefly as possible give some of the recent history of our State along the line of legislation that resulted in bringing about such a condition in the fiscal affairs of our State, that made the establishment of a Budget System almost a necessity, made possible the passage of a Bill by the Legislature submitting to the vote of the people a Constitutional Amendment providing for such a Budget System, of which experts had only hitherto dreamed, won the overwhelming endorsement of the people at the polls, and in my opinion makes possible the try-out of the Executive Budget Plan under more favorable auspices than, from my information, seems possible under conditions existing elsewhere. Until a few years back all the money raised by our State by direct taxation was practically dedicated to our public schools, and the money raised by indirect taxation was amply sufficient to pay what is usually called the running expenses of the general government. But the progressive spirit which has finally swept over our whole country caught us at its very inception, and today there is little of advanced or radical legislation in Maryland that demands enactment, so that we feel like taking a breathing spell, as it were, and fully adjusting ourselves to conditions before moving forward again at so rapid a pace.

In 1908 we began our Good Roads movement upon a State-wide plan and with a complete State survey. The original plan was to connect every county seat by as nearly a direct route as possible with every other county seat, and all of them to be connected with Baltimore City, our great metropolis, also to connect up the county seats of all the adjacent counties with our National Capital, and also the principal towns in the counties with the county seats. Today our entire system is very near completion.

In order to build these roads so rapidly we were compelled greatly to increase our bonded indebtedness, and then the upkeep or maintenance of these roads for which

we fully provided from the start, has greatly taxed our resources.

Then we have had to build great asylums for the insane, for those afflicted with tuberculosis. Further, the great reform in the administration of penal institutions has called for greater expenditures of money. The increased demand for armories, the costs and expenses of a Public Service Commission, of a Workmen's Compensation Board, of a Child Labor Bureau, of a State Tax Commission, of our Agricultural Colleges, and the increasing demands of the many hospitals being established in every county of the State, of different institutions for learning, of the many charitable and reformatory institutions for boys and girls, institutions for the deaf, dumb and blind, all of which our State has been aiding and assisting upon a larger scale in proportion to our wealth than perhaps any other State in the Union. All these demands taken together, with the manner of our Legislation, when every Senator and every Delegate felt personally obligated to get what he could for his own section and county and let the others have what they wanted, the crisis was sure sooner or later to come, and notwithstanding the plain warning given in my report as the Comptroller of the State Treasury to the Legislature of 1914, after the Legislature adjourned it was found that it had appropriated, what to our State was a startling sum, nearly \$2,000,000 more than the revenues available for the running expenses of the State Government.

In my report as State Comptroller, I had given as close as it was possible to give the probable revenues, advised the strictest economy, and stated that every dollar of excess of appropriation over the previous Legislature would mean a deficit to that extent. But no one took heed. The General Appropriation Bills for the State Government, the Omnibus Bill, carrying vast appropriations to charitable and beneficent institutions, were practically made up the last few days, if not the very last day, of the session, and the rules were suspended and the bills passed, while very many special bills likewise carrying special appropriations, were passed in the closing hours, and all these bills were

then up to the Governor for action. Up to this time the Finance and Ways and Means Committees did not know, nobody knew or attempted to calculate the sum total of the money appropriated.

In our State the Governor can veto a whole bill, he can veto special specific appropriations or items, but he cannot cut the items. The Governor vetoed a few of the bills. It was a Democratic Legislature, a Republican Governor. Notwithstanding the Governor's veto, as soon as it was possible to get hold of the Appropriation Bills and the many special bills which in themselves carried provisions appropriating over eight hundred thousand dollars, it was found that the Legislature had appropriated \$1,555,000 more money than ever before, and there would be a deficit in the Treasury before the next Legislature approximating two million dollars.

In a public statement to the press I gave in detail the amount of the expenditures and the amount of the deficit which was sure to follow, advocated the establishment of a budget system and the passage of a Constitutional Amendment to that effect, and at the same time declared myself unequivocally as opposed to all "continuing appropriations." I do not know whether there is such a system of legislation or not in other States, but in our own State there has grown up a system known as "continuing appropriations." Some legislator interested in any institution of learning, hospital, beneficent or charitable institution or organization would procure an appropriation for it, and would have it marked "annual," and it would go on forever, would not have to pass the gauntlet of the next Legislature, and in a year or so the institution would ask for more and get more, and few, if any, of the present legislators would know of the old appropriation. Some of these continuing appropriations had been passed and arranged for over 100 years ago, so that with the special bills appropriating money, and with all these continuing appropriations, the *General Appropriation or Omnibus Bills* would be far short of showing the total expenses or appropriations of the State Govern-



ment. Several attempts had been made before to repeal those acts calling for continuing appropriations, but they had always "died-a-borning."

For behind the Continuing Appropriations all the lobbying elements, benefited interests, and forces of obstruction entrenched themselves for defence.

I announced my candidacy for nomination for the Governorship, made the budget the principal issue, favored the abolishment of all continuing appropriations and opposed all special bills appropriating money, and advocated that all appropriations should be included in two bills, one for each of the two fiscal years, intervening between the adjournment of one Legislature and the meeting of another. Upon these issues I won the nomination and succeeded in having the Democratic State Convention adopt them in its platform. The Republican platform endorsed the budget plank, and practically all the other issues raised. But the Democratic Convention went one step further and named a committee of the most distinguished men of the State, regardless of party, with Dr. Goodnow of the Johns Hopkins University, a great president of a great university, at their head, to frame a Budget Bill.

In the meantime the strain upon the Treasury had become so great that the payment of all appropriations, except salaries, was behind many months. The State authorities, under the Constitution, cannot borrow, so that the situation was critical from every standpoint. At the election in November I was elected Governor.

The Legislature, with both parties pledged to the budget and to the strictest economy, met. The first act of the Legislature was to so organize that it guaranteed a saving of \$77,000.00 in the running expenses of the Legislature itself. Continuing appropriations were abolished, and no special bill appropriating money was passed. The Budget Bill, after some little discussion or division on one point only, and that was whether it should be an Executive Budget or a Board of Public Works Budget, was

passed as drawn and recommended by the Goodnow Commission, an Executive Budget.

The people ratified the amendment in November last, so that we have in Maryland in reality what is known as the "Executive Budget." Under such emergencies did it originate. Under such auspices was it enacted, and is now about to receive its baptism of trial.

The amendment is brief, and I will briefly state its points.

The General Assembly shall not appropriate any money out of the Treasury except with the following provisions:

Every Appropriation Bill must be a Budget Bill or a Supplementary Appropriation Bill.

Within twenty days after the convening of the Legislature, except in the case of a newly elected Governor, and he has thirty days from his inauguration, (although such time may be extended by the General Assembly at which the Budget is to be submitted) the Governor shall submit to the General Assembly two Budgets, one for each of the two ensuing fiscal years.

Each budget shall contain a complete plan of proposed expenditures and estimated revenues for the fiscal year to which it relates and shall show the estimated surplus or deficit of revenue at the end of each year.

Accompanying each Budget shall be a statement showing (1) the revenues and expenditures for each of the two fiscal years next preceding, (2) the current assets, liabilities, resources and surplus or deficit of the State, (3) the debts and funds of the State, (4) an estimate of the State's financial condition as of the beginning and end of each of the fiscal years covered by the two budgets above provided, (5) any explanation the Governor may desire to make as to important features of any budget and any suggestion as to methods for the reduction or increase of the State revenue.

Each budget shall be divided into two parts and the first part shall be designated "Governmental Appropriations" and shall embrace an itemized estimate of the appropriations.

1. For the General Assembly as certified to the Governor by the presiding officers of each House.

2. For the Executive Department.

3. For the Judiciary as provided by law and certified to the Governor by the Comptroller.

4. To pay and discharge the principal and interest of the debt of the State of Maryland in conformity with the Constitution and laws made in pursuance thereof.

5. For the salaries payable by the State under the Constitution and laws of the State.

6. For the establishment and maintenance throughout the State of a thorough and efficient system of public schools, in conformity with the Constitution and laws of the State.

7. For such other purposes as are set forth in the Constitution of the State.

The second shall be designated "General Appropriations" and shall include all other estimates of expenditures.

The Governor shall deliver to the presiding officer of each House the budget and a bill for all the proposed appropriations of the budgets, clearly itemized and classified. The presiding officer shall promptly cause said bill to be introduced therein and such bill shall be known as the "Budget Bill."

In case of an oversight or an emergency at any time before final action, the Governor, with the consent of the General Assembly, may amend or supplement either of said budgets by delivering such amendment or supplement to the presiding officer and these supplements or amendments become a part of the original budgets, as an addition to the items of said bill or as a modification or a substitute for any item of said bill such amendment or supplement may affect.

The General Assembly cannot amend the Budget Bill so as to affect the State's obligations under the Constitution nor the provisions made by the laws of the State for the establishment or maintenance of the public schools or the payment of salaries required to be paid by the State of Maryland by the Constitution thereof.

The General Assembly may increase or diminish the items relating to the General Assembly and may increase,

but not decrease, the items therein relating to the Judiciary.

In all other respects the Legislature can not increase any items of appropriation but they may strike out or decrease, with one exception, and that is they can not decrease the salary of a public official during his term of office.

The budget bill as then passed by both houses becomes a law without the Governor's signature.

Another provision of great importance is that the Governor or anyone of the Department Heads designated by the Governor has the right to appear and be heard in respect to any budget bills while they are being considered and still further it is made their duty to do so if requested by either House of the Legislature, to answer inquiries relating thereto.

Another important provision is that neither House shall consider any other appropriations until the budget bill have been acted upon by both Houses, and no other appropriation shall be valid except in accordance with the provisions following:

1. Every such appropriation shall be embodied in a separate bill limited to some single work, object or purpose, therein stated and this bill must provide in the bill the revenue necessary to pay the appropriation by a tax, direct or indirect, to be laid and collected as shall be decided in said bill. A majority in each House of the whole number elected is required to pass a supplementary bill and the yeas and nays must be recorded. By requiring the revenue to be provided in the bill places the responsibility, whether the tax be a direct or an indirect one.

Besides all supplementary bills are to be presented to the Governor and are subject to his veto under the same conditions as now apply.

Nothing, however, shall be construed to prevent the Legislature under the same conditions and qualifications as now, from passing any bill to pay for any obligation of the State of Maryland under the provisions of Section 10 of Article 1 of the Constitution of the United States.

In our budget bill there is a provision that should the budget bill not be finally acted upon within three days

before the expiration of the regular session, the Governor can by proclamation extend the term but no other matter but the budget bill shall be considered except as to the costs.

Likewise, under this Constitutional Amendment, the Governor is given full power to require all departments and heads to report to him and all institutions applying for or receiving State aid to give such itemized estimates and information and in such form as he may desire.

The Governor has the power to provide for public hearings and to compel attendance of all necessary parties.

The Legislature may enact such laws as may be found necessary from time to time to carry out the provisions of this Constitutional Amendment.

There is another provision that in the case of any inconsistency between any provision of this Amendment and any other of the Constitution, the provisions of this Amendment shall prevail with the exception that it is stipulated that nothing in the Amendment shall affect any obligation as to the public debt as provided for in Section 34 of Article 10 of our Constitution, and providing further that the Governor may as heretofore call an extra session of the Legislature for the same purposes as now provided, and provided in such a case the Legislature can consider any emergency appropriation or appropriations.

Such are the main features of our Executive Budget. As I have stated, this bill is practically almost in every respect as prepared by the Goodnow Commission. It was passed practically as drawn by them, the only amendments of importance being improvements. One was giving the Legislature the right, under certain restrictions, to pass a supplemental bill by a *majority vote* of all the members elected, subject to the approval or veto of the Governor, as heretofore provided, instead of the *three-fifths* majority of each House, without the Governor's approval. It was thought best to give the Governor the right to veto, for this would be no hardship, as the bill could still be passed over the Governor's veto by receiving three-fifths majority in each House.

From a personal standpoint, as the Chief Executive of the State, I would have preferred a "Budget by our Board of Public Works," but this distinguished committee reported in favor of an "Executive Budget," and the arguments in its favor prevailed with the General Assembly, for they believed the advantages gained were paramount to the objections complained of, which, *in this country are more imaginary than real.*

Let us first consider these objections to an Executive Budget. In our State the Budget Committee was limited by the platform of the party either to an Executive Budget or a Board of Public Works Budget, and the committee was unanimous for the Executive Budget. A budget by the Board of Public Works would have "the disadvantage of dissipating personal responsibility, and at the same time as the Board of Public Works in our State is selected would not necessarily place party responsibility." With us the Board of Public Works is composed of the Governor, the Comptroller of the State Treasury, both elected by the people, and the State Treasurer, elected by the Legislature, and it has more than once happened in our State that the Comptroller and Treasurer were of a different political party from the Governor. And it might readily occur that a Governor having just been elected upon fresh issues by the people might not have any voice in the framing of the budget. So it was determined not to jeopardize the advantage of both political and personal responsibility, by placing the responsibility upon the Executive of the State, for to the Executive of the Nation on the one hand, and to the Executives of the States on the other, the people of our country are more and more looking for leadership and are more and more inclined to place upon them the full weight of party success or party failure.

I believe that the same objections to a Board of Public Works Budget would apply to a budget by a Budget Commissioner or a Budget Commission.

Another plan which has received in some sections serious consideration is a "Legislative Budget." All the plans of bills which I have so far seen providing for a Legis-

lative Budget fail to meet the full requirements of a real budget, in that it limits no responsibility, it carries with it no authority or prestige, it constitutes members of the Legislature a permanent and paid commission to prepare and submit a financial plan to the Legislature, with no restrictions, and then the Legislature can act wholly independent of the commission. It permits the Legislature to select some of their own number to become a paid commission to prepare a budget plan, and if enacted into law, a paid commission to prepare a budget plan, and if enacted into law, this plan would more surely perpetuate invisible and irresponsible government. If the only purpose of a Legislative Budget, a Commissioner Budget or any Budget is simply to place certain information before a legislative body, I respectfully submit that in practice the desired ends will not be achieved. We speak from sad experience. In our own State the Comptroller of the Treasury, in compliance with Constitutional duty, submits to the Legislature at its very beginning a report giving in circumstantial detail the estimated revenues for the ensuing fiscal year, and likewise the estimated necessary expenditures. In addition to that we have a Board of State Aid and Charities, who make to the Legislature a circumstantial, detailed report of the demands and needs of all institutions which either ask for or have hitherto been receiving State aid, and yet with all these aids and precautions, the demands for the appropriation of money by the State have so greatly increased and the custom of legislation has so prevailed or political exigency or necessity been so urgent that the members of the Legislature feel that they must stand by their own local demands, and in order to be assured of their own success in this respect have had to concede the local interests or demands of others, and then again with most of the members being new and inexperienced and unacquainted with the intimate fiscal affairs of State, and with the usual influence and pressure brought to bear upon our Committees on Ways and Means and Finance, with the short time at their disposal for complete investigation, log-rolling has often pre-

vailed, and the result in the end with us has usually been that the Appropriation Bills are passed on the last day of the session, under suspension of rules, and three-fourths of the members are totally unacquainted with their provisions, and over-appropriations have occurred, with no one feeling a personal responsibility, with the public unable to fix the responsibility, and with no one knowing until perhaps a month after the Governor has finished signing, the sum total of the appropriations, and whether there is going to be a surplus or a deficit in the Treasury.

*In our Budget System the items of the budget can be reduced or eliminated, but not increased by the Legislature. This limitation is fundamental in my opinion for any sound budget system.*

The Goodnow Commission said that it must be conceded "that the weakness of all American financial methods, in the Congress of the United States as well as in the legislatures of the separate States, was to be found in the practice to which all American legislative bodies are addicted, of adding either to the amounts demanded by the administrative departments or to the items for which appropriations are asked." This plan has been eminently successful in Baltimore City, but I agree with the Goodnow Commission that a broader latitude should be given a legislative body in financial matters than is given a City Council in Municipal Budget making, provided the latitude so given cannot be used in such a manner as to produce a deficit in the State's treasury, and, therefore, our budget plan provides for emergencies or contingencies, and power is given to the Legislature to initiate appropriations for purposes for which the Governor has made no estimates. But our Budget Amendment fixes the responsibility for any derangement of the financial plans of the Governor.

"It has accordingly framed the proposed Constitutional Amendment in such a way as to permit the Legislature by a majority vote of all the members of each House, and subject to the usual provisions with regard to the approval or veto of the Governor, to appropriate money for a purpose not included in the Governor's estimates, on



condition that provision is made in the act appropriating, for the levy of a tax sufficient in amount to defray the expenses necessitated by such act of appropriation," and this is qualified by the further provision that the Legislature must first have acted on the Budget Bills of the Governor.

In one respect the Legislature is supreme and limited only by the Constitutional limitations, and that is in the control of its own legislative expenses. Likewise the Governor has no power over the estimates for the Judiciary. These estimates taken from existing laws, are certified to him by the Comptroller and he must include them in his budget. This provision is to preserve the independence of the Judiciary. The Legislature itself may increase them, but it cannot reduce them. I wish to be understood to mean that no reduction in the estimates made for the judiciary can be made by the Legislature in an Appropriation Act, but the Legislature can, in the usual way, subject to the limitations of the Constitution, by an act not an appropriation act change the provisions made by the law for the Courts, and the Comptroller when the next Budget is made must certify the estimates to the Governor as provided by law.

The Governor is limited in many respects in his estimates. He must make provision for the State's debt, for salaries payable by the Constitution and laws of the State, for a free public school system as provided by law, and for such other purposes as are set forth in the Constitution.

The Legislature is likewise limited. It cannot amend the Budget Bill so as to affect the State's debt. It cannot reduce the salaries of public officials during their term of office, the rule of our Constitution, nor can it alter in the Budget Bill the estimates of the free school system of the State.

The object of our Budget Amendment which it was the intention of the framers to accomplish, and which I believe it will accomplish, I cannot more forcibly state than is stated in the report to me of the Goodnow Commission.

“First:

To impose upon the Governor the sole responsibility, within the limits of the Constitution, and the provisions of existing law, of presenting to the Legislature a complete and comprehensive statement of the needs and resources of the State based upon—

a.—Estimates made by those applying for moneys.

b.—Evidence brought out at public hearings on those estimates,—and

c.—Administrative revision by the Governor of all estimates except those for the Legislature and the Judiciary and for the purposes for which provision has been made by the Constitution and existing laws.

Second:

To make it impossible for the Legislature so to change the plans proposed by the Governor as to produce a deficit—but,

Third:

To permit the Legislature to make provision for any purpose not included in the Governor's plan on the condition that it provide also for the revenue which the accomplishment of its purpose necessitates.”

With proper provision for the passage of any legislation that will protect our contractual obligations or outstanding obligations, such is our “Budget Law.” At the last General Election there were 77,478 votes cast for to 37,100 against, so that now it is a part of the Constitution itself.

The initial trial will come at the convening of the next Legislature. I must confess I look with some degree of anxiety and perhaps nervousness at its coming and at the great burden and responsibility imposed upon me, and especially as the track in this country is almost unbroken.

The question might be asked what assistance or aid has been provided for the Executive for the great task imposed. I will state none specifically, but the Amendment gives full power and the Governor has an ample contingency fund for all necessary purposes until the meeting of the next General Assembly. Besides, I shall have the services and assistance of a very able Board of State Aid and Charities, whose advice and help will be at my disposal and which department has gathered and collated valuable details of all institutions which have heretofore received the assistance of the State.

The last Legislature passed the bill for a Constitutional Amendment unanimously. It was not a party question. Will succeeding legislatures feel so kindly? I cannot tell.

The last Legislature in our State was a remarkable one, and it may be no criterion. The Budget System, Economy and Retrenchment and Reform in Legislative Procedure was the slogan of the campaign and endorsed by all political parties. The last Legislature reduced its own running expenses by about \$80,000.00. It wiped out or repealed all continuing appropriations. The Finance and Ways and Means Committees invited the Governor, the Treasury officials and the Board of State Aid and Charities to sit with them at their hearings. No special bills appropriating money were passed. These committees with the revenues fully before them tabulated and considered, passed the appropriation bills and kept the appropriations within the limits of the revenues. An attempt at the last moment was made to depart from the plan and raid the Treasury, but the chairmen of the two committees were giants of strength and threw on the flood light of publicity and the effort failed. There were no extra allowances so common before. All went by the board.

Some of the members, a great number of employees, and quite a few who could not be considered employees, including some of the daily newspaper reporters at previous sessions had received extra compensation or been voted lump sums of money. But the pledges had been too

specific and when the effort to depart from these pledges were exposed to the spot light, aided and assisted by a fearless and zealous daily press, those backing this movement were overwhelmingly defeated.

It might be said if such could be done by the Legislature, there would be no need of the Budget. But there is absolute need. Reform has its ebbs and flows. It had better be written in the Constitution. Besides the amount of the appropriations in every State of the Union, in comparison with what it used to be, has become so great that the Budget plan is the only sensible, business-like way of legislation. The Budget plan is sure to come in the Legislature at Washington, as well as in every State of the Union. We may differ as to form.

But I believe that in the end the Executive Budget will meet the consensus of general approval.

The Executive Budget has been endorsed by the leading fiscal experts of the country, and by many committees appointed to investigate the whole subject of Budget making and has won notable converts to its side.

President Taft urged the Executive Budget in a special message to Congress on February 26, 1913.

The New York Constitutional Convention endorsed it by a vote of 132 to 4.

The Chamber of Commerce of the United States, composed of representatives of the principal commercial bodies of the country, advocate the Executive Budget.

Mr. Fitzgerald, chairman of the Committee on Appropriations of the House of Representatives, while once opposed, on June 26, 1915, went before the New York Constitutional Convention at Albany and put himself on record as favoring the Executive Budget. The reasons given by him are so apt that I take the liberty of quoting him in part. He said:

"We ought to have some way in the system of our Government to fix direct responsibility and you cannot fix responsibility if the power is too greatly scattered. I would put it in the Executive. I would make him *responsible* at the outset. Some persons object that we should not deprive

the representatives of the people of this right to loosen up the purse strings, but the universal condition in this country today is not that we must safeguard the rights of the people to get money for things. The whole curse of our condition is that everybody is doing his utmost to get it and succeeds.

"Now, if there were some way by which that could be stopped, it would do what is done in the Governments where they had a responsible government with a budget system."

By an Executive Budget the whole plan at an early date, by one who has had full opportunity for investigation and whose responsibility is in the open, is placed before the Legislature and before the people of the State, while under the present system, there is no plan; there is no well-defined program; there is nothing to criticise, because these appropriation bills now are not made up and do not take definite form, until too late for any intelligent or effective criticism. The public does not know their contents and few members do outside of one or two men who control the conduct of the bill.

I know it has been said that the giving of such power to the Governor "smacks of monarchy and makes him a dictator." In this country there need be no fear of that, no fear that the Executive Budget will make him an invincible power. Such will not be the case. It can be a case of weakness rather than strength. With our Amendment he has to come in the open forum and defend his recommendations. Everything is in the limelight and invisible or irresponsible government will become a thing of the past. There at least need be no fear in my own State of Maryland of any Governor becoming a dictator or perpetuating himself in power, for no Governor since the Civil War has ever been re-elected in our State.

I have endeavored, with the short notice given me, to give you as clear an exposition of our Budget Plan as I possibly could, and the reasons for the adoption of an Executive Budget.

It is now up to the Governor to make good and fulfill the expectations of the people, and to justify the beneficent results predicted by those favoring its enactment.

Our Budget will undoubtedly revolutionize our legislative procedure. It ought to shorten the session of the Legislature. If properly prepared it will place the fiscal affairs of our State upon the soundest basis and ensure a pure business administration in all branches of the State Government. Such is our hope, and in its realization we do not expect to fail.

I am confident that the Executive Budget in our State at least is with us to stay.

I thank you, gentlemen, for your patient hearing.

GOVERNOR HOLCOMB—I wish to announce that Governor Spaulding of New Hampshire and Governor Kendrick of Wyoming have been appointed a committee to audit the Treasurer's accounts.

Before calling for a general discussion upon the subject of the paper read by Governor Harrington, permit me to say a word about my own State. Had I anticipated that I was to preside at this session, or that I would take part in the discussion, I would have brought some figures here. As it is, I shall have to depend upon memory.

You all know that Connecticut is not a large State territorially. Only Rhode Island and Delaware are smaller. We have about 1,250,000 population. But in material interests,—in insurance interests, and in manufacturing interests, we are a very important State. It has been said that at the commencement of this war the little State of Connecticut was manufacturing half of all the munitions which were made in the civilized world, and we are doing pretty nearly that now.

In 1907 Connecticut,—and I speak only in round numbers—had a public debt, a net debt, or a funded debt, of \$867,000, but it had sufficient cash in the treasury, what we call the civil list fund, to pay off that debt and leave a surplus of \$267,000. So that ten years ago we were out of debt and had a surplus of \$267,000.

Now that is changed greatly. It takes about \$8,000,000 in our State to meet the running expenses of the State. We have exceeded that until in 1915, on the 30th day of

September, the end of the fiscal year, our funded debt was \$13,100,000, and our net debt was nearly \$12,000,000.

That was the situation that faced the administration two years ago, and as the Governor of Maryland has said, it was a very disturbing situation. But we took hold of it vigorously and today the net debt of Connecticut is about \$8,300,000, I think. We have reduced the net debt within the last two years \$3,700,000 in round numbers, and in 1915 we appointed a board of finance, consisting of the State Treasurer, the State Comptroller, and the Tax Commissioner, and three persons appointed by the Governor, each such appointed person to hold office for six years, except that of those first appointed, one goes out in two years, one in four years, and one in six years. Tuesday of this week I reappointed one of the members for a period of six years.

That board of finance is required to make an efficient study of the financial necessities of the State during the two years before the next legislature convenes, to see what is necessary to carry the State for the succeeding two years, and to that end must hold public hearings, and make investigations and the results of their investigations and their conclusions they are to report to the incoming General Assembly within two weeks after it commences its session. Then the General Assembly appoints a finance committee consisting of two senators and three representatives, and they meet with this finance board, and take the recommendations of the board before the General Assembly.

A great many times the incoming General Assembly feels that it is wiser than its predecessor, but if they listen to the board of finance, we will have a pretty fair foundation in Connecticut to act upon, and we shall not overrun our appropriations, our needs and expenses; and I trust that when I get through at the end of these two years and retire from office—which I shall be very glad to do—we will have reduced the net debt of the State of Connecticut to at least \$3,000,000.

We have in the civil list fund, cash in the treasury today, more than \$7,000,000, and it is a shining mark. I have a

little fear and trepidation of what will be done with it when the General Assembly gets in session.

In our State the Governor can veto a measure, but his veto only amounts to a moral force, if he has any moral force, because the same majority vote necessary to pass the act can pass it over the Governor's veto, so the veto in the State of Connecticut doesn't amount to much.

This is one of the most important subjects that can come before the Conference of Governors, and I hope there will be a free and general discussion so that we can get some practical benefit from it.

GOVERNOR STEWART—Before entering upon the discussion of this matter, it would perhaps be wise for the conference at this time to decide on the question of these side trips. The committee appointed this morning, consisting of Governors Spaulding, Manning and myself, had the invitations from the Governor of Virginia and the Governor of Maryland before us, and while we did not formulate a definite recommendation, we did decide, in our view of the case, that it would be impossible and impracticable to accept more than one of these invitations, if we accept any. Therefore we decided to bring the matter before the full Conference this afternoon. Our recommendation is that not more than one of these invitations be accepted. In view of the fact that there were inducements offered by both of the Governors extending the invitations, your committee does not care to say which should be accepted. We rather leave the matter to this Conference. The Secretary of the Conference has called attention to the fact that to accept either one of them will disturb the work of the Conference somewhat, and that had some weight in causing us to refer the matter back to you.

GOVERNOR HOLCOMB—The two invitations in question are from Governor Stuart of Virginia, and Governor Harrington of Maryland. Have you any motion to make? In view of the fact that to accept one means that we shall probably have to accept the other, shall we accept either? We are supposed to take the trip to Mt. Vernon, you know.



GOVERNOR SPRY—I would like to state for the benefit of the Conference that Secretary Baker has expressed a willingness to meet with the Governors to discuss matters relating to the militia of the various States. And, in addition to Secretary Baker, some other gentleman from the Department may be designated to come over and be ready to answer any question that might, perhaps, be asked by any of the Governors present. That, I take it, will consume nearly one-half day. Mr. Chairman, personally, I should like very much to have Secretary Baker meet with us, because I think this question of militia is the all-absorbing question just now in the different States of the Union. And if there is any information that we can obtain in order that we can offer some encouragement to the boys at home, not only those who have returned, but those who are still on the border, that will be news that would be well worth while, because the thing seems to be largely up in the air. I would not like anything to interfere with the visit of the Secretary to this Conference. I thought I would give this information. The Secretary has started the letter to Secretary Baker, which, I think, will bring results.

GOVERNOR HOLCOMB—No one seems to have the floor just now.

GOVERNOR GOODRICH—I would like to recommend the adoption in Indiana of a budget system along the lines of the Maryland system. We have the continuing appropriation in Indiana, and I might say that that has grown up there out of a real necessity, as we look at it. We have a continuing appropriation for educational institutions; we have three of them, one at Purdue, one at Bloomington, and then the State Normal School, and until we adopted the continuing appropriation influence was brought to bear at every session of the legislature to secure increased appropriations. That was not all,—in order to secure the passage of their bills they would frequently unite with labor and other interests, so the educational lobby was very strong. They agreed at one time that never again would they go to the

ing at the door just the same now for more money. We still have the same problem.

I am much impressed by the paper of the Governor of Maryland. It covers every phase of this question. I am considerably interested in it. I do not know whether this will solve everything or not. The last political contest was waged in our State along the familiar ground that the Governor should not have such broad power. It was said the system gave him too much power, and it gave him too much control over matters of legislation. I took the position that the people of our State had no time to hunt up one hundred and fifty members of the legislature for an accounting or accountings. They held the Governor responsible if the administration was or was not a success to the degree that it measured up to the expectations of the people in carrying on our business in an economical way. If I was elected I wanted the power; if my opponent was elected, I wanted him to have it, and then hold him responsible. We carried the State, and I am satisfied there are enough democrats in the Senate to vote for such a proposition to get the question before the people.

I want to ask the Chairman a question. You spoke about your annual budget being about eight million dollars. Is that raised by a general levy upon all property of the State, or do you raise it by a special levy?

GOVERNOR HOLCOMB—We literally tax everything there is in the State to the limit.

GOVERNOR GOODRICH—What is that?

GOVERNOR HOLCOMB—We literally tax everything in the State up to the limit! The last time we raised two per cent on incomes, which furnished about two million dollars.

GOVERNOR GOODRICH—Our state has just gone to the opposite extreme. We had a forty million dollar levy in Indiana to defray the general expenses of the State, and raised twelve million dollars with three million population; in other words, about four dollars per capita. You spent

about eight dollars per capita under your plan. Of course, the direct tax has an advantage; if it gets too high, the people will complain about it. They pay an indirect tax without knowing it.

GOVERNOR HOLCOMB—We also have the direct tax.

GOVERNOR GOODRICH—We also have the direct tax, but no indirect tax, that amounts to anything.

GOVERNOR HOLCOMB—We have both.

GOVERNOR GOODRICH—We have no indirect tax of any consequence. We have an inheritance tax recently adopted.

GOVERNOR GARDNER—How much is that?

GOVERNOR GOODRICH—It follows closely the New York law and raises in our State about one-half million dollars a year. We have a tax on insurance of one and a half per cent levied in the State, but no taxes on corporations, and no excise tax or tax of that sort similar to Ohio.

GOVERNOR GARDNER—Have you an income tax?

GOVERNOR GOODRICH—No, we have not an income tax.

GOVERNOR HOLCOMB—We have a conscience fund, four mills on the dollar on intangible property, paid to the State.

GOVERNOR GOODRICH—Our intangibles are taxes at the same rate as the other classes of property. The thing we advocated in the campaign was the budget system, giving the governor considerable power in these matters of taxation. I took the position that intangibles should be taxed at a low rate.

We think we will get the budget system adopted in Indiana. I do not know whether it will be the solution of all of our ills. As in Maryland, no Governor in our State has ever been re-elected. We have a constitutional limitation against re-electing the governor, so we can say it might have been, except for that. A Governor of Indiana has never been elected to any other office.

GOVERNOR HOLCOMB—Shall we hear more on this subject?

GOVERNOR STUART—With respect to what you have just denominated the “conscience tax” on intangibles, it may be of interest to some of the Governors to hear a word as to the result of the law as it is now administered in Virginia. We there have authority under our constitution to segregate the different subjects of taxation as between the State and the several localities of the State. That authority was acted upon by our legislature at the special session of 1915, and the intangibles of all kinds were segregated to the use of the State at a limited rate, it being the impression, well borne out by the facts as they were developed, that the excessive rate on the intangibles had been the chief deterrent in the collection of the tax. The fact that real estate was taxed at about one-third of its real value, thereby necessitating a very high rate, and the fact that intangible property when found was necessarily assessable at its face value, putting the two assessments together, one at one-third of its value, and the other at one hundred per cent of its value, both at a common rate,—the discrimination and hardship against the one, the intangibles, was absolutely apparent; so we exercised this authority of segregation and put a limited rate on the intangible properties of all kinds, and in four months from the time the bill was passed—four months elapsed between the adjournment of the special session and the time when the books had to be turned in—there had been approximately nine million of intangibles listed, which was the beginning of the effort on the part of the tax gatherers to bring this particular class of property under taxation. We have since that time added, I think, something like a hundred and thirty millions, making some two hundred millions. This is a very good showing for a State like Virginia which is not noted for any great amount of surplus wealth. At the same time, a law was passed looking backward some time and providing for the collection of this tax which had been due for so many years from intangible property, going as far back as we could, twelve years for State purposes, and four years for local purposes. Under

that the State has already collected very large amounts, some three hundred thousand dollars from one taxpayer, and it is a very promising source of income. It was so arranged as not to be a hardship on the owners of intangibles, because of the limitations as to time; especially the local tax was arranged so that it amounts to an average tax of not more than seventy cents per hundred in any case during the period under which the law has operated.

I feel encouraged from the fact that the owners of intangibles in Virginia, most of them at least, under our present system, are showing their willingness to share the burdens with the people who own the visible property. Of course, we are finding in some cases that the more a man has the less willing he is to part with it, but that is not universal by any means, and so far as we have gone, we feel greatly encouraged with the results.

The results may be presented in the rough by saying that we have been able to reduce our State rate under this law from thirty-five cents on the hundred dollars to ten cents, and we have more revenue since the reduction than we had before. We venture to offer these suggestions to those who have spoken of the great difficulty of taxing intangibles. Our means of getting it could be enlarged upon, but that would be a matter, perhaps, not interesting to you. I shall be very glad to furnish any of you with any information on the subject that may be desired.

GOVERNOR HOLCOMB—The practice and experience of Virginia seems to be very similar to Connecticut's. We call it our "conscience fund," because we passed a law providing that any person having a chose in action should list it with the treasurer and pay a tax of four mills on the dollar for one year, or two cents on the dollar for five years, and it is then exempt from further taxation. As a result a great deal of that kind of property came into the open, which was listed and taxed.

Then we have another law which provides that when a man dies and an inventory of his property shows he has evaded that tax, we levy a tax against his estate for ten

years, and we have secured considerable revenue for the State from this source.

GOVERNOR MCCALL—Mr. Chairman, this subject is a very important and a very practical subject. It seems to me that since Maryland has the distinction of leading the way, and since Governor Harrington has the distinction of leading Maryland, there is ample justification for their taking the risk of establishing a dictatorship in Maryland by re-electing a Governor who has introduced that experiment.

We are very much interested in this subject in Massachusetts, and at our coming constitutional convention, which has been ordered to be held in the coming year, this will be one of the important subjects to be considered. It is simply the idea of modern government, the placing of responsibility where the people may really see who does things, and where they do them. It is the practice in parliamentary government abroad and does away with the haphazard manner of making appropriations which has prevailed at the great expense of the people in this country. It will be interesting to see how this experiment works in Maryland, more with reference, I think, to the limitations that are put upon the exercise of the power than upon the general wisdom of the executive budget.

I was impressed with the great number of particulars that were injected into this constitutional amendment. I should be surprised if this plan did not work to perfection. The idea is a most excellent one.

One of the things that impressed me was the strict limitation on the power of the legislature. Of course, if the Governor had no particular discretion in making recommendations, if this must be based upon existing law, then the limitations upon the legislature would not amount to much. But we are likely to have governors—I do not think we have any governors now; certainly not any governors in this room,—who have cranky notions upon some particular subject, and it might be that they would refuse to recommend sufficient appropriations to carry on what the ma-

jority of the people might think to be a most important part of the government.

Now, as to whether that work should be paralyzed, as to whether the power should be taken from the legislature,—I do not mean by a majority vote; it was by a two-thirds vote—it seems to me is such a big question that we may learn something from Maryland's experience. We haven't had in our government—in our national government—the application of this idea of an executive budget; that is, we haven't had any clearly defined application of it, but still we have had something that approaches it in the control that the Speaker of the House of Representatives has under the rules over appropriations which has prevailed nearly ever since the establishment of the government. That control has resulted largely from the fact that the Speaker had the power, under the rules, of appointing all the committees of the House, and while he had no absolute control, he was put in a position of great influence, and, as a matter of fact our speakers from the time of Randall and Carlyle, and our later speakers, have exercised great practical control in keeping down appropriations. I know Mr. Reed did, under whom I served. I know Uncle Joe Cannon did, and a great deal of money was saved to the public by reason of the control they exercised.

We had the opposite practice introduced four years ago. Speaker Clark is a man of strong economical tendencies, a man who would exercise any power that he had, either moral or directly official, for the purpose of saving public money, but he has been shorn of this power, if it is a power,—certainly of this influence where he could treat most effectively with the different committees of the House, because the appointment of committees has been taken from him, and has been conferred upon what is called a committee on committees.

I am not finding fault at all with that change, but I am simply calling attention to the fact that it has removed a broad safeguard over the expenditure of public money, and although the Congress two years ago came into power pledged to economy, and I believe it was made up of men

who are really and sincerely devoted to economy, and there were many opportunities to save money because we were spending fully enough under the old regime, the change resulted in the first two years in an increase in the national appropriations of nearly a hundred million dollars.

Do not understand me as making any political point. I do think, however, that this vast increase came as a result of taking from the Speaker of the House a practical power to keep down appropriations. I believe, therefore, that a central control of expenditures is going to result, in the long run, in economy in the expenditure of public money, and so I am heartily in favor of the idea of an executive budget.

As to the substitution of an income tax for a tax upon what are called intangibles, I believe also that is a wise thing. Property is called intangible, not because the owner can't touch it, but because the assessors can't touch it, and if you have a high personal property tax rate, either the owner is going to conceal his property or remove it into a jurisdiction where the tax rate is less.

In some of our cities in Massachusetts the tax amounts to about two and one-half per cent upon the capital value, and we assess our property up to its real value. I think some of our property is assessed for more than its real value, so that you take a bond, which ordinarily sells at par, which earns an income of five per cent, and if the owner discloses to the assessor that he has that bond, he is taxed about one-half the income. As a result many hundred millions of dollars of property in Massachusetts is not found by the assessors.

We have done away with this tax upon the capital value by a law which we passed this year, and which goes into effect next year. This law provides for a tax of six per cent upon the income.

A six per cent tax upon the income would seem to be a very high tax, but since it is substituted for a tax which is likely to be forty or fifty per cent of the income, it is a very light tax, and it is our opinion in Massachusetts that we are going to derive more money from this six per cent income tax than we now get from a tax upon the capital value.



The proceeds of this tax do not go to the State. The tax is collected by the State, and it is distributed by the State among the cities and towns, because the State has not undertaken to tax directly, and if it took away the tax upon intangibles, it would take away a source of revenue from the cities and towns.

I trust the experiment will work well in Maryland. I am sorry we cannot have the benefit of Maryland's experience in time to influence our constitutional convention, although I feel very confident that the Convention will adopt an amendment in line with the amendment adopted by that State. I imagine, however, that more will be left to the discretion of the governing bodies of the State from time to time, and that the thing will not be too particularly confined.

GOVERNOR HARRINGTON—Mr. Chairman, I do not wish take the time of anyone who desires to speak upon this subject. I rise to make a statement upon two points only. I understood Governor McCall to object to the form of our budget, or a portion of it, on the ground that if the Governor was so disposed and refused to put in the budget bill an estimate for something that ought to be provided for, there is no redress. That's not correct.

GOVERNOR MCCALL—I was simply basing my inference upon my impression.

GOVERNOR HARRINGTON—I know well that from reading the paper you cannot always gather the correct impression. Now that's one of the wise provisions in our plan. We not only wanted to protect the people against the legislature but we wanted likewise to protect the people against the Governor. In such a case as the Governor of Massachusetts described, the legislature has a right to introduce a supplemental appropriation bill with the restriction that there must be embraced in the bill the source or the manner of collecting or raising revenue with which to pay for it. The object and purpose is to avoid a deficit, and when the legislature brings in this supplemental bill, it is like any other bill, subject to

the approval or veto of the Governor, and if the Governor vetoes it, then it can be passed, in our State, by a three-fifths vote of both houses.

It was also objected that the plan gives the Governor too much power. As a matter of fact, the plan in some respects lessens the power of the Executive. In Maryland, under the old plan, and I presume it is more or less the same in Massachusetts, the appropriation bills are passed during the last few legislative days, or the last day of the session. I remember very well that our appropriation bills at the last legislature were passed within six days' time, and in our State the Governor must act on the bills before the legislature adjourns. So there are all these appropriations when the legislature adjourns absolutely under the control of the Governor, without any redress from any direction whatsoever.

GOVERNOR GOODRICH—Pardon the interruption. It could be vetoed.

GOVERNOR HARRINGTON—Yes.

GOVERNOR GOODRICH—Then he would virtually be forced to sign it.

GOVERNOR HARRINGTON—He could veto the different bills or the different items of the bill or bills, and the legislature could have no redress in such case. Under this new plan the Governor submits these estimates, and the legislature acts upon them. If the Governor has left out something that ought, in the opinion of the legislature, to be included, a supplemental bill may be introduced as I have just explained. The supplemental bill is subject to the veto of the Governor.

GOVERNOR GOODRICH—When the appropriation bill comes to the Governor of Indiana he must sign as a whole, and we have but one general appropriation bill that provides for every institution of the State.

GOVERNOR HARRINGTON—In Maryland he can veto separate items.

GOVERNOR GOODRICH—He cannot with us, and the result is there has not been a session of the legislature where they have not put in a lot of things the Governor wanted to veto and could not. In Indiana you cannot provide for an increase in the salary of an office in the appropriation bill.

GOVERNOR HARRINGTON—That used to be the way in our State, but we changed it.

GOVERNOR GOODRICH—The Governor is helpless. The budget system will increase the power of the Governor. We think he should have that power.

I see in the room Dr. Goodnow, President of Johns Hopkins University, who has studied this question a great deal. We would be glad to hear from him.

GOVERNOR HARRINGTON—I would be much pleased if the conference can hear from Dr. Goodnow. He is at the head of the Commission of distinguished men of our State who worked on this bill and reported it to the Governor, and it was passed practically as submitted by the Goodnow Commission. The Doctor has made a long study of the subject. Perhaps no man in the country is better posted on the subject than Dr. Goodnow, the President of Johns Hopkins University.

GOVERNOR HOLCOMB—We shall be glad to hear from Dr. Goodnow.

### INFORMAL REMARKS

BY DR. GOODNOW, PRESIDENT OF JOHNS HOPKINS  
UNIVERSITY

Mr. Chairman and Gentlemen: I do not know that I can add anything particularly to what Governor Harrington has said, either with regard to the general question, or particularly with regard to this Maryland amendment. I think about all I can say is that as the question outlines itself in my mind there are two things which the Maryland budget

amendment, or which any budget amendment or budget provision, may endeavor to secure. That is, in the first place, under the system that has been adopted in the National government, and in a good many of the States, either there is not before the proper authorities a comprehensive picture of the needs of the State in relation to the resources of the State, or, as is the case in the National government, where such a comprehensive picture is placed as it is in the book of estimates, that entire book of estimates is not submitted to one committee, or where it is submitted to one committee, that committee has no particular charge or responsibility for the revenues. That has been one defect, it seems to me, in our financial practise. Whether you believe in the budget system, which, of course, you all know originated in a sort of self-denying ordinance of the British Parliament in the early part of the Eighteenth Century, in denying to itself the right, under the rules, to add to any appropriations or to any estimates for appropriations that might be asked for by the administration,—whether you believe in that or not, I think there is no doubt that everyone believes that we never will get a proper organization of our financial administration or of the methods of appropriating money until this one thing is provided,—until there is presented to one committee or to one authority something in the nature of a comprehensive picture of the State's needs.

That's one thing that we have tried to do. It is a thing we never have had in Maryland. It is an almost hopeless task, or was beforehand, to find out what this State needed in the way of revenue, and Governor Harrington has told you about the difficulties that have arisen as a result of that looseness in practice.

The other thing is the limitation of the methods adopted in the British Parliament of the power of the legislature to increase the appropriations that are asked for by the administration. And one must always remember that that grew up in Great Britain in connection with a system of Cabinet responsibility to the legislature—to Parliament; and at the present time, if there was any doubt in the minds of Parliament as to the desirability of the voting of the estimates,

and that doubt was expressed in a forcible manner, why the Ministry would have to resign.

We do not have those conditions, of course, in this country, and we can't really on that account cite British practice as a precedent of any particular value in a system in which there is no such principle of parliamentary responsibility. At the same time, it will be noticed that that scheme of self-denying ordinance, which originated with the action of Parliament in Great Britain, has been adopted in practically every responsible colony in the British Empire, and at the present time there is no legislature in any of the responsible colonies, or colonies having responsible government in the British Empire, which assumes to itself the right to increase the estimates as put in by the government. The government is responsible for the amount of money that is to be expended.

There is one other thing, possibly, that I may be permitted to refer to, and that is, that the presentation of a comprehensive plan in a budget system necessarily involves re-issuing by some authority which has the interests of the State as a whole, and which can look at the needs of a State as a whole, and not at the needs of a particular department or a particular locality. The legislature in the past has been supposed to do that, but I think one can say, looking over the history of legislatures in this country, that the legislature can not do that. And it can not do that because the legislature, while theoretically representing the entire country or the entire State, after all consists of individual persons, who represent particular districts, and who are expected to bring bacon home after the legislature has adjourned. And if they do not do it, they are not elected. That's the reason why the old system has fallen down. Therefore, it seems to me, you have got to provide some other method of revision, and that's what we have attempted to do by giving to the Governor, after a public hearing, the opportunity to revise the estimates, except in so far as that revision might interfere with the independence of the other two co-ordinate departments of the government.

I might say, in conclusion, that while the British precedent probably might not be regarded as a precedent of

great value, this method of taking away from the distinctively legislative body the right to raise the estimate has been adopted in the city of New York for the last thirty to forty years. The Board of Estimates and Apportionments, as it is called, which consists altogether of elected members at the present, is in a way the Commission which controls the management and administration of the city government that now draws up the estimates, and the Board of Aldermen have no right to increase those estimates. I might say that in 1898 in the City of Baltimore the same thing was introduced. And we know, as a matter of fact, that that scheme works, that is, it does prevent deficits. It does prevent, not as much as we might hope, but it does prevent extravagance to a certain extent. It is difficult, of course, to say in these days what is extravagance. Some of the demands made upon city governments and state governments seem to be demands that must be met, so a continuous extension of the activity of government for the State and interstate government, I suppose, is to be expected; and while, therefore, we may not hope that the adoption of the budget system based on these principles is going to limit the extension of the activities of government to any very great extent, with the present attitude of the American people, I think we may say that there are hopes, if we judge from the past, that this system will limit, at any rate, extravagance, and will promote efficiency. In all events, that's what we hope it will do.

GOVERNOR HOLCOMB—On behalf of the conference I extend our thanks to the Doctor for his address. Is there any further discussion of this subject desired tonight? If not, a motion to adjourn the session is in order, and remember that we meet here tomorrow morning at half past ten o'clock.

GOVERNOR SPRY—Mr. Chairman, before the motion to adjourn is put, I would like to ask if Governor Brumbaugh is here.

THE SECRETARY, MR. RILEY—He will be here at five o'clock.

GOVERNOR SPRY—I want to announce, that the Executive Committee will consider the proposition which was made this morning as to the including of the chairman of the Board of Commissioners of the District of Columbia in the membership of this conference and will make our report in the morning.

There has been a request made by Mr. Miller, who has been the assistant warden at Sing Sing, to make just a short presentation of some items of interest more particularly relating to capital punishment, and I did not know just what attitude the conference would care to take upon that matter, whether they would care to listen to Mr. Miller, or whether they would want to pass up the question.

GOVERNOR HOLCOMB—What time?

GOVERNOR SPRY—He could be here sometime in the morning, or in the afternoon, to suit the convenience of the conference. Governor Fort of New Jersey is well acquainted with this gentleman. Personally, it is immaterial to me. There is a difference of opinion among the Governors, of course, on this as on other questions, and it is merely a question as to whether the conference would care to hear this gentleman.

One other gentleman, Mr. Pierce, of Seattle, Washington, has requested an opportunity to occupy not to exceed fifteen minutes, on the necessity of encouraging legislation which would develop the water power of the nation, and in discussing the matter with Governor Stuart, a member of the Executive Committee, he stated that he preferred to get the wishes of the western Governors, whose permission was granted. It has been arranged that Mr. Pierce shall take fifteen minutes tomorrow morning, commencing at 10:30. You say Governor Brumbaugh is here?

THE SECRETARY, MR. RILEY—He will be here at five o'clock. I talked with him over the long distance telephone a few minutes ago.

GOVERNOR SPRY—Governor Burnquist will not be here. He is listed as the presiding officer for tomorrow morning's

session. Expecting, as we do, Governor Brumbaugh, suppose we agree that he shall be the presiding officer tomorrow morning. Do you care to get an expression with respect to Mr. Miller's proposition as to capital punishment?

GOVERNOR MCCALL—I suggest that we hear him.

GOVERNOR SPRY—Personally, I have no objection at all.

GOVERNOR HOLCOMB—That is, hear him after the address by Mr. Pierce.

GOVERNOR SPRY—That will be quite satisfactory.

GOVERNOR HOLCOMB—Is it your pleasure to hear the address upon capital punishment after the address of Mr. Pierce of Washington?

(The motion was thereupon duly put and carried.)

FORMER GOVERNOR FORT—Do you suppose that will be after the regular order? That has been our custom.

GOVERNOR HOLCOMB—I understood Governor Spry to say Mr. Pierce would address the Conference at the opening.

GOVERNOR SPRY—He will adapt himself to the wishes of the Conference. I agree with Governor Fort that nothing should interfere with the workings of the Conference.

FORMER GOVERNOR FORT—May I state, please, that you are urged to be on hand at eight o'clock tonight at the White House. That means eight o'clock sharp; and while I am on my feet, may I say that Governor Fielder, who was to have been here is so busily engaged preparing the budget for the next session of the legislature, which by law he is required to present on the first day of the opening of the session, that it was impossible for him to come here, and he wishes me to make an apology. Our legislature last year passed a budget law, putting entirely on the Governor the task of preparing the budget. That means considerable work.

In New Jersey we have been in trouble in regard to the increase of appropriations. When I was elected Governor,



our annual State expenses were about seven million dollars. At the present time these expenses run close to nine millions. Since 1907, you will see, an increase of about two millions of dollars annually. Some of that is normal, but the legislature last year found itself in a position where we were likely to have a million or two million dollar deficit. The budget law was passed, somewhat similar to the constitutional amendment which has just been discussed by the Governor from Maryland.

Governor-elect Edge of New Jersey hoped to be here, but he was called to Texas, and cannot get back before the 20th. He regretted very much his inability to meet with you. He could have discussed the executive budget with great force and cogency, I am sure, if he had been here, because he has been studying it on the commission in our State for the last two years, and is remarkably qualified to make a statement on that subject.

Governor Fielder, from his experience of the last few days, could also have told you of some facts with reference to what it means to the Governor to make the budget.

The Secretary suggests that I say something about going over to the White House tonight. We will not go in a body, but we want to be ready for the dinner, which is at eight o'clock. Please be very prompt. There are some invitations not yet delivered. I think it might be well, Mr. Secretary, to call on those here who have not had their invitations delivered to them. There are some going out.

GOVERNOR HOLCOMB—The chair understands now that the regular order of exercises will be taken up first tomorrow morning at half past ten and after we conclude those exercises then we will hear these addresses on capital punishment and the conservation of water powers, allowing not exceeding fifteen minutes each.

GOVERNOR SPRY—That is the understanding.

GOVERNOR HOLCOMB—Do I hear a motion to adjourn now?

GOVERNOR SPRY—I move we adjourn, Mr. Chairman, until ten-thirty tomorrow morning.

(Whereupon the Thursday afternoon session of the Governors' Conference was adjourned.)

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## FRIDAY MORNING SESSION

DECEMBER 15, 1916.

(The Friday morning session was convened at 10:30 o'clock with Governor Holcomb, of Connecticut, temporarily presiding, in the absence of Governor J. A. A. Burnquist of Minnesota, who was scheduled to preside, according to the program.)

GOVERNOR HOLCOMB—Gentlemen, I regret very much to announce that Governor Brumbaugh, who had been selected to preside this morning, has received a call which will require him to leave the city within an hour, and for that reason he prefers not to preside this morning, so the Executive Committee has selected Governor Dunne of Illinois. If the Governor will step this way, we will turn the meeting over to him.

GOVERNOR DUNNE—I regret, gentlemen, that pressing business takes Governor Brumbaugh out of the city, and that he cannot find opportunity to preside over this meeting. It gives me a great deal of pleasure to act as substitute for the distinguished gentleman, and to preside over the business of the morning session.

The program for this morning is, I believe, an informal discussion of "State Administrative Problems," to be led by Governor Stewart of Montana, and to be followed by any gentleman that has any ideas to express on the subject. Governor Stewart, will you open the discussion?

## STATE ADMINISTRATIVE PROBLEMS

INFORMAL DISCUSSION OPENED BY GOVERNOR  
S. V. STEWART OF MONTANA.

Mr. Chairman and Governors: The subject for this morning was called to my attention only yesterday. I have no prepared paper, and my remarks will be wholly informal to open the discussion. I shall be brief.

The subject, of course, is a broad one, because everything that a Governor has to contend with is an administrative problem. I would like to hear from some of the governors as to the matter of the personal responsibility, or rather the official responsibility, for law enforcement within the State, and for the acts of other officials.

The biggest responsibility upon the Governor of a State devolves upon him by virtue of his functions as the chief executive officer, and if it were possible to give to him the full authority that is contemplated in that designation, there would be no difficulty, but within my knowledge, I am free to say that I know of no State where the full responsibility and full authority go together.

In our State the constitution and the statutes make the Governor the chief—not only the chief administrative officer, but the chief executive officer, and make him responsible for the enforcement of the laws within the State, and yet there is nothing in our constitution or in the statutes that enables him to do this effectively and efficiently. He may bring to bear his moral force, and he may act in an advisory capacity; he may urge upon other officials the importance of doing their duty. But he has no authority, under our law, to remove an official summarily except in the case of some appointive officers whose positions have been created more recently. As to some of these it is provided that they hold their offices at the will of the Governor. There may be a few other officers who may be removed summarily; but the general rule in our State, and I take

it in most of the States, is that the Governor has no authority to make summary removal, or even to make removals for cause, unless that cause is something that would tend to disqualify the official, and even then removal may be made only after a hearing which is always embarrassing, and which tends to defeat the very object of the provision.

In some of the States, I realize the Governor has a broader appointive power than he has in our State. I know that in some of the States the office of attorney-general is an appointive office, and that the Governor selects his own attorney-general. In our State, and in many other States, the attorney-general is elected by the people, and very often he is of adverse political affiliations, and unless he and the Governor happen to start off right, and work together harmoniously, there will not be the same incentive to make of the administration a success that there would be if everybody was interested in the success of the executive.

I would like to hear what the other Governors have found from their experience in this matter, and I would like to hear of provisions in the different laws, and their workings, in order that we may get a little light on this subject.

In our State, the only authority, or the only means, at the disposal of the Governor for enforcing the law is the National Guard; that is, it's the only arm of the State with which he can reach out and actively take hold of affairs. He has no right to do more than to urge upon the sheriff and prosecuting attorney, or any of the other officials, the necessity for action. If they refuse, of course the courts are open, and they may be removed in the regular way, but as I suggested a while ago, that entails so much loss of time and expense,—and there is no provision made for defraying the expense of such proceedings—that it really does not amount to anything. This brings us to the modern idea of the short ballot, and the centralization of authority within the State in the Governor.

We all realize that the people are prone to hold the Governor directly responsible; they are prone to say that the Governor should make the other people do their duty, or root them out of office; and they are right about that. It's

the proper idea, because the people want to be able to place their finger upon the responsible person, and to do it quickly. Where there are numerous officers charged with divided responsibility, they can always get away from that responsibility by blaming the failure on somebody else. I have wondered what States have approached this subject and solved it, and what has been their experience.

I am not going to detain you any longer on this matter. I am asking for information. I feel a good deal like a chairman of a meeting who introduced me during the recent campaign—the recent unpleasantness! I drove about sixty miles out in the country to try to enlighten the people of that community, and when I got there they had a chairman all ready to preside at my meeting. They had kept him sober on purpose for the occasion. He proceeded to introduce me. It took him three-quarters of an hour to do it, and he touched on all of the issues of the campaign, State, National and local, and did it in a very able sort of a way, much more ably than I could, but after he had done all this, he said, “But Ladies and Gentlemen, I came not here to talk, but to sit at the feet of wisdom!” And that’s what I came to the Conference for. I came here not to talk, and I am not going to keep you three-quarters of an hour. I want to sit at the feet of wisdom, and learn something about this problem, because I have much charged to me, the responsibility of enforcing the law. I have been charged, and every other man who has held the office of Governor in any State has been charged, with dereliction of duty by those who were unfriendly to him, and even by people who were not personally unfriendly, on account of the failure of some other officer to do his duty, and I think it is the biggest puzzle that we have to deal with.

GOVERNOR DUNNE—The subject is open for general discussion, and I might suggest, brother Governors, when you desire to discuss any of the subjects, both for the benefit of the reporter and the audience, as well as the chairman, because there are some newly elected Governors, that you announce your name and State, so that the reporter can take

it down. Does any gentleman care to be heard now on the subject that has been opened by Governor Stewart? Governor Brumbaugh, I understand that your State is unique in that it has a State constabulary under the control of the Governor, which I believe is sometimes charged with the duty of seeing that laws are enforced.

GOVERNOR BRUMBAUGH—Mr. Chairman, that is true. The commonwealth of Pennsylvania has what is known as the State constabulary, a body of about 240 men, whose business it is to maintain order throughout the commonwealth. These men are divided into four groups, and are scattered in different industrial centers of the commonwealth where the great groups of population exist, and they really perform a very important duty in the commonwealth. It has indirectly worked to the benefit of the National Guard, because a great many men hesitate to enter the Guard on the ground that they do not wish to perform police duty. The fact that we have the constabulary to perform that duty has eliminated this objection to the National Guard, and has greatly increased the efficiency of that body of the citizens' soldiery. I think Pennsylvania, as a whole, is entirely satisfied with its constabulary and with the duties that the officers and the members of that body perform from time to time. You can hear all sorts of things about the Pennsylvania constabulary. It all depends upon the point of view. But as a matter of fact, they never lend themselves to anything except the preservation of life and the maintenance of peace and law in the several communities of the commonwealth.

It may be interesting to the Governors to know that ninety-five per cent of that body is made up of honorably discharged soldiers of the United States Army, and that we have, therefore, in that organization a body of very thoroughly trained and efficient men.

They also perform important duties in times of emergency, such as extinguishing mountain fires; and they organize citizens and perform a very important duty in suppressing fires on State lands, and even on private lands where fire

menaces the growth of the timber of the people of the commonwealth. They also act as general overseers in the enforcement of game and fish laws, when these seasons are operative, and in fact perform a very general service of state-wide regulation in the maintaining of peace and order in the community.

Governor Stewart also mentioned another fact to which I should like to bear a word of testimony, in regard to the short ballot. The people of Pennsylvania are wholly in sympathy with the short ballot. We have very few elective officers in the commonwealth; specifically, as Governor Stewart mentioned, the attorney-general of Pennsylvania is appointed by the governor. He is the governor's counsel, and we believe it is in the interests of harmony and good government and efficiency that the attorney-general of the commonwealth should be selected by the executive, in order that he may be sympathetic and helpful in assisting the governor to carry out his policies, because in the last analysis the responsibility is on the governor for the quality of government given to the people, and unless his legal counsel is in entire sympathy and accord with him, you can readily see what distressing situations might arise at times. I think we are to be congratulated that we are so situated. I do not think of any other phase of this problem.

GOVERNOR STEWART—What power of removal have you?

GOVERNOR BRUMBAUGH—The power of removal in Pennsylvania is probably the same as that of other States. It is entirely a matter of executive discretion. I personally favor a State-wide civil service regulation of appointments and dismissals from office, but our people have never enacted such a statute, and consequently we have no State appointment of public officials.

GOVERNOR DUNNE—Governor, have you ever had a conflict between the constabulary and the local authorities?

GOVERNOR BRUMBAUGH—No, not at all; because they are only called in at the request of the civil authorities, unless violations become so obvious that it would be necessary

to intervene. I have never known of such a case. The constabulary comes at the request of the sheriff of a county or the mayor of a city, and aids in the enforcement of the law, and the enforcement of the conduct of the people.

GOVERNOR MANNING—Have you the power to remove sheriffs?

GOVERNOR BRUMBAUGH—No, sir; they are elected by the people, and I have no power over the elective offices.

GOVERNOR DUNNE—Any other gentlemen care to be heard on this subject?

UNITED STATES SENATOR JOHN F. SHAFROTH—Mr. Chairman, I used to be a member of this organization some four years ago, but I have not had the pleasure of attending the meetings since that time on account of being otherwise engaged, and I would like to say a few words relative to this matter, although I did not know there was to be any discussion of it.

While I was Governor of the State of Colorado we had a sharp division between the governor's office and the other principal offices of the State. We were in harmony in hardly any respects, and it impressed upon me the necessity of having what is termed the short ballot, or giving the governor the right to appoint the various other principal officers of the State. I do not believe that an elective officer should be removed by the governor. I believe that his election by the people is something that is sacred to the people, and we would drift towards political removals if that power were once given to the governor, but so far as the secretary of state and treasurer and the auditor and the attorney-general and such offices as are really placed in the capitol building are concerned, it seems to me these ought to be under the supervision and control of the governor. By doing that you may reasonably hope for harmonious administration.

There was a time in my State when warrants were issued upon the treasurer and payment was absolutely refused by that officer. They had the proper endorsement, and the



approval of the governor, and yet notwithstanding those things, he refused to honor the warrants.

Those things make an administration inharmonious, and a great many other things occurred in our State that were a detriment to the administration of the State by reason of having these differences.

In the first place, I believe that when a governor of the State belongs to the Republican Party, his immediate advisors ought to be Republicans, and I believe that when a Democratic Governor is elected, his advisors ought to be Democratic. By following such a plan you will insure harmonious administration.

Probably there ought to be liberality in the way of appointment, such as the President sometimes exercises, but we never think of the cabinet of the President as being anything but composed of some of his advisors, who are really of his same political faith. While it may not be so important in the case of Governors, nevertheless it is very much along the same line and in the same direction.

I feel that all matters of administration ought to be determined by the Governor and he ought to be held responsible, when, as a matter of fact, he has not the power to determine these matters which are connected with the other offices. I have always felt that if the Governor had a cabinet, it may be called, consisting of these principal State officers, it would produce better results, greater harmony and better administration.

GOVERNOR DUNNE—Does any other gentleman care to be heard on this matter? Governor Carlson, of Colorado has had some experience, I believe, along these lines.

THE SECRETARY, MR. RILEY—He is not here this morning.

GOVERNOR DUNNE—Gentlemen, does anyone else care to participate in this discussion? We have given, I believe, a qualified promise to some outsiders to discuss some questions here this morning, not to exceed fifteen minutes each, but I do not want to bring them before the meeting until we have exhausted the discussion of this subject. Governor

Walsh, do you care to be heard on this matter? I see you have arrived this morning and look fresh and vigorous.

FORMER GOVERNOR WALSH—Governor Dunne, ex-governors are "outs." I desire to listen and hear what the new Governors' views are on these public questions. If I have any opinion, it is unqualifiedly in favor of surrounding a Governor with persons in sympathy with him in advising and co-operating with him in the administration of State affairs. In my own experience as Governor, during one of my terms, I had all of the State officers of the same political faith as myself. The second term all of the State officers were of the opposite political faith, and I had an executive council, eight of the nine members of which were of a different political faith than my own, and a majority of the legislature also were of a different political faith.

My experience has led me to the opinion that it is a great mistake to tie the Governor's hands by having members of an executive council opposed to him politically. It is human nature to take advantage of every possible question that may arise which would tend to strengthen the political prospects of his opponents. I believe that the Governor should select his own cabinet. The Attorney-General, the Treasurer and the Secretary of State should be named by the Governor of the commonwealth. I believe he should have a free hand in making his appointments. They should not be submitted to any other branch of the government, either the executive council or senate, with one exception, in the case of judicial appointments. I believe judicial appointments when made, especially for life, as they are in Massachusetts, should be submitted to somebody, either the executive council or the senate for confirmation.

The great difficulty, it seems to me, with the constitutions of the country, particularly the older constitutions, is that the Governor is more or less of a figurehead, and has not any real substantial power. The Governor of Massachusetts, for instance, cannot remove any public official without submitting his removal to an executive council and receiving their approval. He cannot make any appointment, even a

justice of the peace, or notary public, without submitting it to an executive council. The result is that the executive council, even if the members are of one's political party, are very apt to assume the right to advise him and to suggest to him what his duty is. They have no responsibility. People at least hold the Governor alone responsible for all the acts of the executive department, and I am very, very strongly of the opinion that the Governor should stand on his own feet, that he should have the power of appointment and the power of removal, and that he should not be handicapped or blocked by any other branch of the government whose responsibility is more or less divided.

Of course, this means that I also favor the short ballot, although I find very strong division of opinion. I do not know whether the Governor's from the western States realize that so strong was the sentiment and feeling against having a Governor at all in the early constitutions of the thirteen original States, that the question of having a Governor was only decided by one vote in the constitutional convention that approved the constitution of Massachusetts. Of course, that was due to the hostility and the hatred of the old colonists to the one man power which they associated with the English king. The result has been that all of the old constitutions restrict and limit to a very extreme degree the power of the chief executive. In Massachusetts, for instance, the Governor practically has no power but the power of appointment, and then only when, as I said before, it is submitted to an executive council for their approval and confirmation. It is embarrassing for a Governor to have to inherit from another, his predecessor, administrative boards who have a term of office longer than he has, and who are of an opposite political faith. I think it is all wrong.

I venture to say that Governor McCall's experience is the same as mine after having been governor of Massachusetts one year. According to the unwritten history of the State a man shall have but three terms as governor and the fellow on the Railroad and Public Service Commission has a four or five-year term. Of course the Governor's predecessor is not very much interested in the administration,

and the official appointed by the preceding governor knows it is almost impossible to remove him, and he knows that during the three years of the term of the Governor, he will not have to go to the Governor for reappointment. You get plenty of cooperation and assistance from the man whose term expires *during* your term, but the man whose term expires beyond the date for the expiration of your term is likely to be very indifferent.

I want to say, Mr. Chairman, that I am very, very strongly in favor of a responsible Governor and a Governor selected by all the people. He should be the chief executive in fact, as well as in name, and he should be responsible for every single branch of the administrative department of the State government. And I believe the sooner our constitutions are amended so that we will have a real Governor responsible to the people, having a grip hand on every administrative branch of the public service, the better our States will be governed.

GOVERNOR DUNNE—Governor Manning, do you care to be heard on this matter?

GOVERNOR MANNING—Mr. Chairman, like Governor Stewart, I have come here to sit at the feet of wisdom and learn. I did not expect to have anything to say during this Conference. I want to say, however, after my experience, that this matter is one of very vital importance to me and to my State.

For the information of those who have not kept track of these things I want to say that in South Carolina we have really but one political party. I think that is clearly shown by the result of the vote in the last general election, which showed that the Republican candidate received only 1,543 votes in South Carolina. Ours is the banner State in this respect, without any reflection at all on the other party. Under these conditions, Mr. Chairman, there have arisen divisions in the Democratic Party, so that we have factions instead of parties.

When I was a candidate for governor two years ago, the platform on which I ran advocated law enforcement and

judicial exercise of the pardoning power. When I assumed office I at once sent for the heads of the judicial offices, the peace officers of the counties, and had conferences with them as to methods to be adopted to enforce the laws. The liquor laws in our State had been flagrantly violated, and I had pledged myself to use every power in my office to bring about a change in that respect. Some years ago the legislature had passed an act specifically giving the Governor power to remove sheriffs who failed to enforce these laws. In the course of my administration I found that in one county the sheriff was not enforcing the law; in fact, he was acting with the lawbreakers. Proceeding under that statute, I summoned him to show cause why he should not be suspended, and after hearing, I promptly suspended him. The matter was then taken into the courts, and our Supreme Court held that inasmuch as the sheriff's office was a constitutional office he was not subject to a suspension. Well, that decision broke my right arm. I was left without that help. The only procedure open for me then was to appoint State constables, which I was authorized by law to do, and I used them. Later on I was troubled with some labor strikes, and in the course of that trouble writs of ejectment were issued by the magistrates of the counties where the strike occurred. The constables undertook to enforce those writs and met with armed resistance. The property owners affected called on me for help, and I stated to them that I would give them help after they had exhausted the civil processes. They asked what they were, and I said: "Of course the sheriff of your county is the chief peace officer, and you should put those writs in the hands of the sheriff, and call on him to see that the mandates of the court are carried out." The sheriff refused, and there was absolutely then nothing for me to do but to use the National Guard. Most of our National Guard being on the border,—I had but five companies in the State, but I promptly put them on the scene to protect the officers of the courts in enforcing those writs.

That has brought the question right up to me as to what remedy we are to have, and I am listening to this discussion

with unusual interest, and I have about reached the conclusion that in my message to the legislature I will ask for the submission to the people of an amendment of the constitution, giving the Governor the right to suspend under those cases.

But I realize, too, how a power of that kind may be abused. It might become a very serious matter, if you have a Governor who is not in favor of law enforcement. Sometimes that has occurred in some States, and I realize the danger on that side of it.

I have listened to Governor Brumbaugh's statement about the State constabulary of Pennsylvania with a great deal of interest. I feel, Mr. Chairman, after my experience,—and I have had several along the lines that have been discussed,—that more power should be given to the Governor. The tendency in our State has been in the direction of reducing the power of the Governor. Now and then occasions arise to demonstrate that this power is needed and to show that mistake has been made.

In our State I may remove certain officers; I can remove an auditor; I can remove a treasurer. Unfortunately I have had to exercise that power. But there are other officers which I cannot remove. The matter of having a cabinet in sympathy with the administration has been spoken of here, and I believe myself that certainly the attorney-general, and I believe the adjutant-general of the State, should be appointed by the Governor. I see no reason why a secretary of State who controls the general run of State officers should not also be appointed by the Governor. In our State these are elective officers.

So that I am listening with a very keen interest to any suggestions that are to be made here, because South Carolina's legislature meets in January, and I hope that in the discussion that is to take place here this morning some suggestion will be made that will clear up the matter more definitely.

As I say, I believe that I will have to ask for a constitutional amendment, because I see nothing else to be done to bring the sheriffs and the peace officers under the control of the

executive. I think the responsibility rests on him. To show to what extent the feeling exists as to the Governor being held responsible for any failure to execute the law, I may refer to the expression of one of our judges, when he heard of an unfortunate lynching in our State, the first and only one we have had in our State since I have been Governor. I summoned the sheriff to ask why he had not done his duty. I knew I could not remove him. I was told that one of the justices exclaimed,—“Why, what does the Governor mean by not removing him!” So those matters are even not recognized by the bench itself. The Governor is held responsible, and yet his hands are tied. I feel, however, that the responsibility must be fixed somewhere, and that it should be in the State executive. It is not a power the Governors are anxious for, but in the interests of efficiency and law enforcement and peace and good order in the State, the responsibility should be placed on the Governor, and he should be held responsible for it.

GOVERNOR DUNNE—Any other gentlemen care to be heard on this question? I might say, gentlemen, that in the State of Illinois we have had an experience within the last two years that probably accentuates the impossibility of the situation of having such important officers as the attorney-general of the State absolutely independent of and free from the control of the Governor. It arose not by reason of any issue between the Governor and the attorney-general who belong to the same political party and who have been acting in entire harmony, but there has been the practice in our State for a number of years, through all kinds of administrations, for the attorney-general to take charge of the litigation in which the State was involved and to be the only person that could enter the appearance of the State or any of the important officers of the State in such litigation. Now, in our State, as probably in most of the States, it is within the power of the Governor to appoint commissions to carry on certain activities of government. For instance, we have a public utilities commission that has charge of all the public utilities of the State. We have a canal commission that has

charge of matters pertaining to the canal in the State. We have an insurance commission composed of one person that has charge of the insurance of the State, and it has been the practice for years, for the convenience of these commissions, to have their offices located in various parts of the State. For instance, the Utilities Commission is in the city of Chicago, and while it is an ancillary department of the State, yet it is an important feature of our government. The insurance commission, I might add, is located in Springfield. But for the convenience of these departments they have been appointing counsel to advise them on all important steps with relation to the administration of their departments and in any controversies that arose. The insurance commissioner is an appointive officer and the attorney-general of the State is an elective officer, as in most States. The case referred to presented to the Supreme Court the question as to whether or not a statute which authorizes the insurance commissioner to appoint an attorney and counsel in his department is constitutional. The Supreme Court, on a full hearing of the case, declared that the attorney-general, and he alone in Illinois, should appoint all counsel throughout the State of Illinois. So you see, if the attorney-general of the State and the Governor were at loggerheads at any time on any point, or on any matter of administration, by reason of one of them adhering to one political party and the other to another, you would have the extraordinary situation of a Governor being absolutely without legal advice in any department of the State, or in any of these important commissions, as to the legality of the course being pursued. The Governor would have to rely upon the selection or appointment of deputies by the attorney-general who might be in acute conflict in relation to the carrying on of the business of the State. In this very suit I have mentioned the insurance commissioner was adopting one line of policy, trying, as he thought, to enforce more rigorous methods against the insurance companies for the benefit of the State, while the attorney-general was of a different opinion, and that's how the conflict arose. So that you can see to what extent, in the case of an attorney-general being selected by the people,



while the Governor is also selected by the people,—to what tremendous extent this thing may go in case of a conflict.

If the attorney-general happens to be opposed to a certain policy advocated by the Governor,—we will say, on the liquor question, or any other important question,—it would be impossible for the Governor to successfully advocate his contentions before the legislature, or to sustain them in the courts, if the legislature passed the law. If the attorney-general was of the opinion that the policy was wrong, he would certainly use his official power to prevent the crystallization into law of the policy of which he did not approve.

So I am in hearty accord with the views of every gentleman who has been heard on this matter, to the effect that the attorney-general, the adjutant-general, treasurer, and auditor, who are simply administrative officers, ought to be appointed by the governor, who is charged with the responsibility of the management of the affairs of the State; and that a system which permits these officers to be elected in contra-distinction to the right of the governor to appoint them is a mistake and a failure, and has so operated in the State of Illinois, as well as in other States.

With reference to the question raised by Governor Manning as to whether or not a constitutional officer can be removed by the Governor: In our State I think they are all regarded as constitutional officers, the sheriff, as well as the attorney-general. This point that arose between the insurance commissioner and the attorney-general in our State was decided on the general basis that he, the attorney-general, is a common law officer, and has certain common law rights, of which he could not be divested, even by the legislature. I read the decision with a great deal of care. I do not know that I am in entire harmony with the views of the court. I think that the legislature, where it is not limited by the constitution, has an absolute right to say what authority any man may have in the holding of official position. I think it has been determined that a legislature can place restrictions upon constitutional officers. We have a law in our State authorizing the removal of a sheriff if he

permits a human being to be taken from his custody and lynched during his term of office, and that law, I think, has been sustained by our courts. I know that the law has been executed by former Governors. I am glad to say I have not had occasion to exercise that important function. Former Governors have removed sheriffs where the sheriff has failed to prevent the lynching of one in his custody, but that's the only cause I know of in our statutes for which a Governor may remove a sheriff.

I am thoroughly of the opinion, gentlemen, that the attorney-general and the other officers of the State, such as the treasurer and the auditor, ought to be appointed by the Governor, and should be in entire harmony with the Governor. Otherwise, you will have conflicts disastrous to the public administration of the affairs of State.

GOVERNOR HENDERSON—It is with hesitation that I rise and present my own troubles to this body. I do so because possibly I am the only Governor in the Union who has experienced the troubles that each speaker has touched upon. I hesitate to air my own troubles, but this is a sort of a family gathering, and we are here to learn from the experience of others. Our State has experienced the complications that arise from the election of executive officers. I am in full sympathy with the ideas of each speaker that the executive officers of the State should be appointed by the Governor.

I am one of the Governors who has been without legal assistance in his endeavors to administer the affairs of the State and, due to proceedings instituted by the attorney-general against me, am now forced to the necessity of employing outside counsel on my own responsibility to defend and uphold the authority of the executive. That is unusual. It's the only instance that I know of in the history of the country where proceedings have been brought by the legal department of the State against the Governor in the form of mandamus.

These proceedings arose through the refusal of the Governor to approve expense accounts that he did not consider

regular. From the commencement of the administration we have had the same provision of law as Illinois, that the attorney-general employs counsel for the different departments that have been created within the last two years. All others are elected.

Sheriffs in Alabama are removed by impeachment. If they do not discharge their duties in the several counties, they are subject to impeachment, and those proceedings are brought at the instance of the Governor or of the grand jury of the particular county, or at the request of twenty-five citizens. We have found that this is very effective and holds the sheriffs in line, and makes them very attentive to duties. We have no constabulary, but we depend upon the sheriffs for the enforcement of the law.

GOVERNOR DUNNE—Governor Fort, have you not some views on the short ballot?

FORMER GOVERNOR FORT—Yes, Mr. Chairman, I have some views on it, because in my State we have it absolutely, and nothing else. We elect a Governor and nobody else. We have elected no other officer since 1844. The Governor appoints all officers, except two. He appoints the attorney-general, the secretary of state, the clerks of the Court of Chancery, the Supreme Court, every commissioner in the State, every prosecuting attorney in every county and every judge of the courts, local and State. There are only two officers in the State that are not appointed by the Governor, —one is the treasurer, and the other the comptroller, and they are elected by the legislature in joint meetings, because of the fact that they are the financial officers of the State. It is always supposed that the financial affairs of the State fall especially within the jurisdiction of the legislature, so they put the election of the comptroller and auditor in New Jersey in the hands of that body.

Some gentleman has said that the appointive power makes the Governor a dictator. No matter whom you appoint, it does. It was also said it would make it possible for him to build up in his own State an organization which would perpetuate him in power. There are two reasons in my

State why that cannot be so. The first is, our constitution provides he cannot be re-elected. He gets three years, and that's the end of it. He can't very well re-elect himself! The other reason is this,—it would result in sure defeat if he did have the right to be re-elected, and the proof is in this. Since 1844 no person elected Governor has ever been able to be elected to the United States Senate from New Jersey, for the simple reason that he has one hundred and twenty appointments to make each year, as I did, appointments to offices paying salaries from twelve thousand dollars down. There are always twenty fellows who want each job, good fellows most of them. You appoint one, and the other nineteen get out their axes for you the next time you want anything! That's the history of our State. You need not be afraid to put the power in the Governor's hands. That's where it belongs.

The only fault with the system in New Jersey is the fact that there is no power of removal. The Governor can appoint everybody, but cannot remove anybody. As far as I know there is no power vested in the Governor of New Jersey to remove. I never found it necessary to remove any officer whom I appointed to office when Governor. Each year I endeavored to secure the power of removal, even of administrative officers in the municipalities, but no, the powers at that time were too strong to grant the Governor any such control. They were perfectly willing he should appoint to the offices, but utterly unwilling to let him have the power of removal.

I cannot understand this incident mentioned by the Governor of Alabama. I did not suppose there was power in the court to mandamus a Governor in any of our States. One coordinate branch of the government cannot mandamus another. The courts have no power over the legislature by injunction or otherwise to prohibit it from doing anything, or by mandamus to compel it to pass a law. The courts have no power over the executive to mandamus him to do anything, even though an administrative act. The legislature has no power over the courts within its constitutional functions, nor has the legislature any power over the ex-

ecutive, nor has the executive any power over the legislature. Each of the three can do nothing with the other except within the constitutional functions. I am surprised to hear of this incident.

Not a convention, not a man, not a speech that I can recall by any public man in New Jersey ever suggested modifying the system that I have described in that State. I would say that nobody should be appointed for a term longer than the Governor's. The suggestion of Governor Walsh, I believe, that the officials of the State should be in entire harmony with the Governor and that with the expiration of the Governor's term of office the terms of his appointees should also expire, is correct.

FORMER GOVERNOR WALSH—I do not think I stated just that. I think the Governor should have an easy way of removal so he can have control over certain State offices. I did not mean that their terms should expire with the term of the Governor. I think we can get the same cooperation by having the power to remove with ease.

FORMER GOVERNOR FORT—Yes, I know, but that's a delicate power, and it is not essential. It makes trouble. I am in favor of a civil service system under which appointees may be removed for cause. I would not even allow the courts or the legislature to remove except for cause.

In relation to the enforcement of the laws in the various municipalities: The short ballot is the best system. You get that system and you will, I think, solve all your administrative problems. They expect results from the Governor, and he ought to have the power to accomplish them. They used to say when I was Governor "You want the power to build up a machine," and all that sort of thing; but now when out of office, as Governor Walsh and I are, we say that the Governor ought to have the power to do these things in the interests of the State, in the interests of the people. It's in the interests of good government, and it's in the interests of the one thing the people now have in mind, and that is the concentration of responsibility; that's what we need and want in government.

I delivered an address in Boston before an economic club not long ago in which I expressed this same line of thought, and I still hold to these views very, very strongly. I hope to see the time come when the Governors of the States and the President of the United States will have not only the power of appointment, but the power of appointment without confirmation by the Senate. When confirmation by the Senate is required, one man may hold up the appointment. I do not believe in that at all.

GOVERNOR DUNNE—Governor Fort, before you take your seat, did I not hear you make some appointment last night with President Wilson for a group picture?

FORMER GOVERNOR FORT—I did. The appointment with the President is for 12:45. If you will pardon me I will go out now and call up to find out whether the photograph will be taken in this room. I doubt that the President will want to go outdoors for a photograph this morning. I do not know. We shall leave that to him. I will call up at once, and get Mr. Tumulty to let me know definitely whether he will have the photograph taken here or at the White House.

GOVERNOR DUNNE—Any other gentleman care to be heard on this same question?

GOVERNOR MANNING—Mr. Chairman, may I add a word to strengthen the views expressed by yourself with reference to the attorney-general, and in doing so I desire to state a concrete case that I know of. When I was elected, the attorney-general was re-elected. He was serving his second term. Under the former administration an order had been issued disbanding the entire National Guard of South Carolina, and that was done with the advice of the attorney-general. When I assumed office I at once took up that matter. You can see how powerless I was to get any advice as to how to get the National Guard back, when the attorney-general elected had advised that the Guard be disbanded. I am not a lawyer and was without the help of an attorney-general, so you can see and readily understand what a predicament I was in. However, I just took the position that

the Governor did not have the right under our laws to disband the entire National Guard; he could perhaps disband any part of them, but not the entire National Guard; he could disband any portion of the National Guard for the good of the service; but I could not see that it was for the good of the service that the entire Guard should be disbanded. I took the matter in my own hands, and held that the disbanding action was null and void, and restored the National Guard. You can see what position I would have been in without any National Guard, with all these problems that have arisen.

There is one other thing I would like to understand. In speaking of the terms of members of administrative boards, some of the preceding speakers have suggested that their terms be the same as the Governor's. Does that apply to administrative boards of institutions? For instance, take the State Hospital for the Insane in our State, and other institutions of that sort, which I have been remodeling and reorganizing. I endeavored to secure legislation to make the appointments of those boards for a certain time running through different periods of years, so that during no administration, even where a governor was re-elected for a second term, could a majority of that board be changed. This, of course, is not exactly civil service, but it was the constant change with the change of administration that I regarded would be detrimental. Do I understand you, Governor Walsh, to mean that those boards should have their terms expire with the Governor's?

FORMER GOVERNOR WALSH—I do not believe in any terms expiring at the same time as that of the Governor, but I do believe that the Governor should be permitted to remove any administrative officers or any board easily and without giving a reason for it. In other words, I think the Governor should be in a position to get the cooperation of every administrative officer. If a man has a five year's term, and your term is five months, that man owes you nothing, especially if bound by a law that you must give specific reasons submitted to a senate or council for his removal. I

ask that the Governor be given at least means to have absolute cooperation from all administrative officers.

GOVERNOR MANNING—I think we are all aiming at the same thing, and I hope somebody will suggest something that will help me solve my problem, because it is very important to me just now.

GOVERNOR DUNNE—I think in our State a question arose as to a policy pursued for a number of years of inflicting corporal punishment on boys in the St. Charles school. The former superintendent was strongly in favor of the retention of the system which gave him the right to correct these boys by manual punishment, and the new administration, when it went in, believed that boys should be disciplined without inflicting corporal punishment upon their persons and bodies. If we did not have the right to remove that superintendent he could have insisted on the retention of those policies during the whole of the new administration.

GOVERNOR CAPPER—It may be of interest to the Governors to know that in Kansas this question was raised in the Supreme Court, as to just what power and authority the Governor has over the attorney-general. Four years ago, Governor Stubbs at that time was at logger-heads with the attorney-general, and he directed the attorney-general to bring suit in a matter, and the attorney-general refused. The Governor appealed to the Supreme Court, and that Court rendered a decision to the effect that the attorney-general was subject to the orders of the Governor of the State.

GOVERNOR BYRNE—Has your constitution such a provision?

GOVERNOR CAPPER—No; I believe not, but the court held that in matters concerning the welfare of the State, it was within the power of the Governor to direct the attorney-general, and he must carry out those orders. The statement of the Supreme Court was very empathic and very clear on that point.



GOVERNOR DUNNE—Gentlemen, I am informed that the photographer is anxious to get a photograph of the Governor's Conference in session in this room. What are your views in reference to that?

GOVERNOR BYRNE—It is better to submit to the photographer whenever he comes 'round!

GOVERNOR SPRY—Can we hear the subjects by Mr. Pierce and Mr. Miller before the photograph is taken?

GOVERNOR DUNNE—What is the pleasure of the Conference now? I understood that yesterday afternoon before adjournment it was decided that fifteen minutes would be given to Mr. Miller to discuss the question of capital punishment, and a like courtesy was to be extended to Mr. Pierce to discuss the water powers of the West. Are these gentlemen present?

MR. PIERCE—I am present, Mr. Chairman.

GOVERNOR DUNNE—Gentlemen, what is your pleasure? Will we now give these gentlemen fifteen minutes each to discuss these questions? It is just twelve o'clock.

GOVERNOR SPRY—If we have the time, I think we should do so.

GOVERNOR DUNNE—Mr. Pierce, I see no objection to your proceeding at this time.

## ADDRESS

### THE NECESSITY FOR WATER POWER DEVELOPMENT

MR. HENRY J. PIERCE

Mr. Chairman and Governors of the States of the Union: I greatly appreciate this opportunity of being able to address you for a few moments upon a subject which is very close to my heart—the necessity for the development of our water powers.

From a social, economic, agricultural and industrial standpoint, the development of our now wasting water powers is the most important and far-reaching question before the American people and the American Congress today—a question closely related to the solution of such great problems as the national defense and reduction in the cost of living; a question which concerns the resident of New York City and the farmer on the Kansas prairie fully as much as it does the residents of the water power states.

Of the 60,700,000 maximum potential water horse power in the United States, but 5,300,000, or 8.8%, has thus far been developed.

Of the 40,000,000 water horse power under Federal control contained within the Pacific Coast states, being 70% of all the water power of the United States, but 727,000 horse power, or 1.8% has thus far been developed, while of the 1,800,000 horse power not under Government control 1,078,000 horse power, or 60% has been developed.

In my own state of Washington which contains more available water power than any other state in the Union, 9,500,000 horse power is under Government control and of this but 96,000 horse power, or but 1% has been developed, while of the 290,000 horse power not under Federal control, 81% has been utilized.

The vast quantities of now wasting water power contained in the Pacific Coast states and in the rivers of the Southern States cannot be utilized because of the present restrictive federal laws under which capital cannot be obtained for development purposes. This is a serious situation and it will soon become intolerable. The progress and prosperity of these great sections of country particularly of the west, is halted and kept back solely because the federal government will not permit of the development of their natural resources.

Water power developments in different parts of the country aggregating hundreds of millions of dollars are projected and the beginning of construction only awaits the passage of suitable legislation by Congress. A natural resource which may not be used might as well not exist. It is the case of the would-be banker who mistakes the safety deposit

business for banking and locks up all the money in the vaults and keeps it there unused to the detriment of both the depositors and the public.

Whenever on the face of this globe, one cubic foot or more of water flows in one second from a certain elevation to an elevation one foot lower, there is exerted a definite amount of energy, and where such flow is so located that its development by the investment of capital is commercially feasible, then, so long as development is postponed there is a continuing waste of energy never to be regained. Coal and oil are now largely used as sources of power near where water power is running to waste, which but for legislative obstacles would be developed and used. Conservation of water power means not prevention from use, but the most immediate and extensive use possible. Moreover, it means a double conservation because its use prevents or postpones the otherwise more rapid exhaustion of fuel resources.

Conservation has well been termed "Utilization with maximum efficiency and minimum waste."

The production of hydroelectric energy is a hazardous business. Cost of installation is difficult to determine in advance, and often costs more than anticipated. Floods sometimes destroy dams and power houses, and yet men of business and of technical and scientific experience, who have made hydroelectric development their life work, as well as manufacturers of all the great products for which the hydroelectric energy would be used, stand ready to undertake the development of our now wasting water powers and the other vast commercial features connected with it as soon as our present impossible Federal laws are corrected to a fair business basis, under which practical men will give their time and capital will invest.

The internal development of a country must precede its external commerce. Then why not give those who would develop our wasting water powers the right to work, the right to build and expand and develop, the right to help create a greater and more powerful industrial nation? Why not give them laws to work under, which shall encourage and not hamper their just activities—laws which, while

placing them under the constant supervision of the public authorities and sufficiently safeguarding every public interest, yet shall be of such fair and business like nature, that under their operation men may hope for a generous return for their work and risk, and capital be assured of a safe investment.

Those who earnestly desire to see our water powers developed are:

*The Farmers*, because, as soon as cheap hydroelectric energy makes possible the production of atmospheric nitrogen and the treatment of phosphate rock by electricity, they will be enabled to purchase fertilizer of better quality and for one-half present prices.

*The West*, which desires to irrigate vast tracts of now silent desert land, and to utilize, through treatment by electricity, its stores of raw material, such as limestone, salt, phosphate, and minerals, and also to substitute electricity for coal and oil as the motive power for operation of the mountain divisions of its railroads.

*The South*, where the production of cheap electric energy through development of its vast water powers for use in the manufacture of iron and steel, fertilizers, explosives, aluminum, and many other products, is necessary to its industrial growth.

*The East and the Middle West*, where coal is being used in enormous quantities for manufacturing and other purposes, in which the cost of power figures largely, such as in the making of cotton and woolen textiles, paper and pulp, and quarrying and mining, while near-by water powers are not being utilized.

*The Nation*, because the development of our water powers, without further delay and upon a very large scale, is necessary for the following reasons:

(a) To provide nitric acid for the manufacture of explosives in connection with the national defense.

(b) To reduce the cost of living through increased crops to be obtained by plentiful use of cheap electrofertilizers.

(c) To extend the navigability of our inland waterways far into the interior through improvements made by private capital instead of through Federal taxation.

(d) To enable the Government to maintain its position with foreign countries in industrial and commercial progress.

To elaborate further, briefly regarding a few of the uses for electric energy above referred to:

Over 1,000,000 horse power is being used in European countries in the fixation of atmospheric nitrogen for production of nitric acid used in manufacture of fertilizers and explosives. Not a single horse power is used in the United States for that purpose. Germany is shut off from supplies of Chilean nitrate for powder making, and if she had not developed her water powers for the purpose of obtaining nitrogen from the air, the European war would be ended today, and Germany beaten.

We are entirely dependent upon Chilean nitrates for nitrogen for manufacture of fertilizers. It is estimated these deposits will be exhausted in ten years. The use of fertilizer has a most intimate relation to the cost of living, the extraordinary increase in which is principally due to higher cost of food products. The United States uses 28 pounds fertilizer per acre of cultivated lands against 200 pounds per acre in Europe, with result that European crops average from twice to three and one half times as much per acre as America.

If our use of fertilizer were equal to one half that of Europe, it would require for production of nitrogen 12,000,000 water horse power. We must make our lands yield greater crops. It cannot be done unless we develop our water powers. There is no time to lose.

One-third of the cost of manufacturing wood pulp and paper consists of the cost of power. The imports of these articles into the United States are growing at an enormous rate. Sweden and Canada have been developing their water powers and over 600,000 tons were imported into the United States during the year ended July 1, 1916.

With the production of cheap electric energy, through the development of our water powers, the pulp and paper industry will come back to its own in the United States. It is inevitable that the industry must spread westward, and that through the utilization of the water powers and the forests of the Northwest, these imports of wood pulp and paper will be displaced with products made in our own country.

Four hundred and fifty miles of the Chicago, Milwaukee and St. Paul Railroad being the portion between Harlowtown, Montana and Avery, Idaho, has been equipped by electricity and is in successful operation. All the trans-continental railroads are now contemplating adoption of electricity as motive power on their mountain divisions. This will require fully 5,000,000 horse power but it cannot be done until the Government releases the water powers for development. When coal is used, from one-quarter to one-third of the equipment of a railroad is used in hauling coal for its own use, whereas, with electric power there is no such waste and car shortage is relieved.

While we are at present but upon the border land of the electric age, yet the problems consequent upon the generation, transmission, transformation and utilization of electricity are practically solved, and only a larger supply at lower cost is necessary to make its use almost universal. The average requirements of each inhabitant of the United States for heat, light and power are, roughly speaking, the equivalent of 13 H. P. hours per day to provide for his or her needs in heating, cooking, lighting, manufacturing, transportation and allied service. The people of the United States have come to exercise a nice discrimination between existence and living, and demand not only the necessities but a measurable part of the comforts and luxuries of life. Power and machinery afford the best supplementary means to this end yet devised, and the wonderful agency of electricity has become man's most popular, reliable and capable servant in doing the world's work.

The production of electric energy may well be called the business of the people of the nation because the securities

representing the eight billion dollars invested in power generating, distributing and lighting plants are held by over one million investors, one person out of every one hundred of the population of the United States having advanced money toward the establishment of this greatest of all industries. Less than 3% of the power generated in this country has been developed by municipalities.

Thus it is apparent that there is vital and imperatively urgent necessity for the enactment of practical Federal water power legislation of a character which will promote and encourage in every way the development and utilization of the enormous quantity of energy latent in our streams and now wasting to the sea; a necessity in no way local but national; necessary in order that coal and oil may be preserved for the use of future generations; and finally, of vital necessity toward promoting the safety, the comfort, the welfare and the prosperity of every citizen of the United States.

Governors of the great States of the Union, I respectfully but most earnestly appeal to you both as individuals, and on behalf of the Commonwealths which you represent, to give this mighty question your most careful consideration, and to extend your aid toward its settlement.

GOVERNOR McCALL—Is Mr. Miller here now?

MR. MILLER—Yes, sir.

## ADDRESS

### PRESENTING ARGUMENT AGAINST CAPITAL PUNISHMENT

By SPENCER MILLER, JR.,

Representing the National Committee on Prisons.

Mr. Chairman and Members of the Governors' Conference: I want to express my very deep appreciation for this opportunity which is also extended to me, as a repre-

sentative of the National Committee on Prisons, to say just a word to you gentlemen on the question of the abolition of the death penalty in your several States. I feel that it is particularly appropos to such a meeting as this. A number of you gentlemen are going home as the representatives of your States to appear before your Constitutional conventions, and have an opportunity to write into the statute or fundamental law of your States some sort of legislation which will make the achievement of this provision possible. Others will have an opportunity through their messages to their legislatures to recommend such legislation.

I want to say in these very few moments, that I am speaking from the standpoint only of the common sense view of this death penalty matter.

It seems to me, as we look over the European situation and the American situation, we find this very fundamental and important fact, that where we have waived the death penalty in America, there we find the lower rate of homicides; where we have abolished the death penalty in America, there we find the highest percentage of convictions after indictments which have been returned. I mean to say not only has it done the thing which it had promised to do, namely, reduced the amount of crime in the several States, but it has made possible the administration of the criminal law in a way which the people who had not followed the course of the thing had not thought possible.

To be sure, there have been States in this country which have established in their fundamental law a provision providing that the death penalty should be abolished, and have re-established it. I think of Colorado particularly in that respect. But in these ten States, mostly western—among others the State of Kansas—and one Southern State, there has been a very decided diminution in the amount of crime. And I sincerely hope that Governor Capper will be able to say a word on this subject.

But I want to bring out four fundamental reasons why we can stand for this proposition: In the first place, you have been discussing this problem of the budget, and several of the Governor's have spoken about the extension of executive re-



sponsibility; and it seems to me that the infliction of this one responsibility of the death penalty is adding a great burden to the position of the Governor. I know particularly the situation in New York State, where the Governor has been particularly harassed by the numbers and numbers of cases that are brought before his attention yearly.

But the thing, it seems to me, that is the important factor about this is that, in the first place, the death penalty, far from being a deterrent, has been an incentive to crime. In New York State, for instance, a very famous case was aimed at the doing away with the hiring of gun-men to dispose of political enemies; and within a year, gentlemen, we had three such cases. The accused men are now in the death room at Sing Sing Prison. Men are not deterred from the commission of crime by the severity of punishment which is measured out.

In the second place,—it seems to me, that this is a fact very pertinent to this discussion,—in the States where we have done away with the death penalty, we find the juries more willing to convict. We find the certainty of punishment taking the place of severity of punishment.

We find in the third place, this very interesting fact, that in the States where we have done away with the death penalty, there we have the lowest percentage of lynchings.

I know that some people may say that they have in some instances, in a measure, accomplished the desired end by allowing the jury to decide whether or not the sentence shall consist of the death penalty or life imprisonment; but it seems to me we should bear in mind this one salient fact, that juries are fallible, that juries are susceptible to racial impulse, and that if in the one case they decide by reason of any racial prejudice that this defendant shall have death, and that man live, it would seem that we have destroyed the thing in America of which we have been so proud, namely, the idea of equality before the law.

It seems to me that we stand on this very fundamental question: If capital punishment, if the imposition of the death penalty, does not deter crime; if, on the other hand, it has lent color to the theory that it is not going to make

the crime rate decline, it would seem that it is particularly a problem which you gentlemen, as the executive representatives of your different States, should consider at this time.

In conclusion, I just want to point out this one last fact, that, whereas the experience of Europe may prove one way or the other of this whole matter, and whereas I am not in the position of saying that the evidence in this country is overwhelmingly in favor of the abolition of the death penalty, I believe, with your distinguished Chairman, who, in August last, read a most eloquent paper on the abolition of capital punishment, or the death penalty, at Boston,—I believe with him, that fundamentally this process of cancelling a killing by a killing is bad bookkeeping; to try and cancel one debit by another debit, is wrong. It seems to me that the time has come in this country when we should realize, in this human end of government, if you will, that where a practice has ceased to perform the function for which it was created, it is time that that practice should be done away with.

And that is the reason I am coming before you here on behalf of the National Committee on Prisons to ask your moral support of this propaganda, in this movement that is going all over America, in an attempt to see if we can write into the fundamental law, with your aid, some provision which will insure the abolition of the death penalty, and make possible the doing away with this practice which, it seems to me, is strikingly stupid, which is overburdening the responsibility of executives, which is bringing about, not the desired results of checking crime, but in some States is proving actually an incentive to crime, and is lending color to the theory that in America human life is no longer a sacred thing.

If we are going to say that in America humanity shall have the right of way, it is important that you, as executives of the people of the different States which you represent, should put your official approval upon a movement which would stamp humanity as something which is worth while conserving, and thus preserve the human feelings of the

people within your States, which it is most important should be kept at a high level. I thank you very much.

GOVERNOR DUNNE—Gentlemen, what is your further pleasure? What about this photograph now?

(Mr. Edward F. Colliday, representing the Federation of Citizens Association of the District of Columbia, asked to be given the floor for one minute.)

GOVERNOR DUNNE—The gentleman may take the floor for one minute to extend an invitation to the visitors to the Conference.

MR. COLLIDAY—Mr. Chairman and Governors: I have an invitation to deliver, and I feel not entirely foreign to the situation in speaking to the Governors of the States, as I was, in a sense, born in two States at once and grew up in another. I was born in Virginia, Illinois, grew up in Kansas, and am now a resident of a suburb in Maryland.

In behalf of the Federation of the Citizens Association of the District of Columbia, I desire to extend to the Governors an invitation to attend or to be represented at a Conference to be held on the 3rd of March in this city looking to the establishment here of permanent exhibits of the several States in the week preceding Inauguration, and the week following there will be here an educational exhibit in the nature of showing Uncle Sam in his work shop. The work of the several departments of the Government will be shown under the auspices of the Government, and of the citizens cooperating with the Government in the matter; and in that connection we desire to take up this matter of permanent exhibits here, so that the hundreds of thousands of visitors who come here from all parts of the country every year may see those things which the several States would desire to have them see. The Conference date will be the 3rd of March.

GOVERNOR DUNNE—Any other business before the meeting, Governor Fort?

FORMER GOVERNOR FORT—I will be called on the 'phone in two minutes. The President seems to be engaged.

GOVERNOR DUNNE—What seems to be the pleasure as to the request of the photographer to take a photograph in the room here?

FORMER GOVERNOR FORT—We can let him do that.

GOVERNOR DUNNE—Gentlemen, I am requested by Governor Fort to state that he has just heard from the President's Secretary that the press representatives are waiting over there to take a photograph and we had better go right over to the White House.

GOVERNOR DUNNE—This session is adjourned and all the Governors are requested to report at the White House.

(Whereupon the session was adjourned at 12.31 o'clock p. m.)

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## FRIDAY AFTERNOON SESSION

December 15, 1916.

(The Friday afternoon session of the Governors' Conference was convened at 2:45 o'clock, p. m., with Governor Samuel W. McCall of Massachusetts, presiding).

GOVERNOR SPRY—I have pleasure in introducing Governor McCall of Massachusetts, as your presiding officer for this afternoon,—Governor McCall.

GOVERNOR MCCALL—Governor Spry and fellow Governors: I have been designated by your generous autocrat who is directing our deliberations to preside at this session. I have noticed that my predecessors, while not indulging in any inaugural address laying out a policy that they proposed to pursue while they were presiding, have taken us into their confidence with reference to some of the things that have been discussed, and I suppose that will pass as an inaugural address.

Many of these questions that we have had presented are old questions, but they are still vital questions. For instance, this subject we discussed this morning, concerning the abolition of capital punishment, is in the realm of almost perpetual controversy. My own attitude upon that subject has been one of opposition to capital punishment, and I sent a special message to the legislature last winter, asking them to change the policy that we have had in Massachusetts.

I was somewhat struck by the statements made this morning by Mr. Miller, who appeared here advocating the abolition of the death penalty, and who stated particularly his thought as to the effect of the abolition of the penalty upon the commission of crime. I inferred from what he said that where the penalty had been abolished there had been a decrease in crime, and where it had been restored, there had been an increase in crime, and that the penalty of the publicity attending its being carried into effect had resulted in an increase of the crime.

I have not investigated the subject, but I happen to think of what Sydney Smith said in a lively review which I think he had in the *Edinburgh Review* upon some book, in the course of which he said that during the latter part of the eighteenth century, in the low countries, meaning Holland and Belgium, the execution of criminals was attended by a good deal of state and ceremony; that they had processions and solemn music and flowers; and that a priest would deliver an address; after which the executioner would proceed and he said these things so appealed to the imagination of the people that they took to committing murder in order that they might enjoy these inestimable advantages, so that finally it became necessary for the government to make hanging dull as well as deadly before it ceased to be an object of popular ambition.

I have the idea that from the standpoint of punishment society is the chief sufferer. Not so very long ago there was a sheriff who had the custody of a man in Massachusetts who was condemned to be electrocuted. This particular sheriff, while in the Senate of the State, had been a strong advocate of capital punishment, and yet as sheriff his nerve

was nearly gone. I was told that one of my predecessors was considering a certain man to be appointed as warden of the State penitentiary, and that that man did not desire the appointment, desirable as it was in many respects, because of the relation of the officer to the enforcement of this penalty. It is a heavy burden to put upon an individual, that of depriving a fellow man of life; and there is suffering there. Then, in society, papers announce this event and sensitive people feel that they have a responsibility to an extent for the act of the society of which they are a member, and very acute suffering is put upon them.

The modern idea of a prison is not so much that it is a place of punishment as that it is a sort of moral hospital. Most of the inmates of prisons have defects of one kind or another, either born defects or grave defects in education. They haven't had a chance in life, and just as we send men to the insane asylum in order to make them better, the main purpose in sending men to prison should be to make them better. And from my reading of history—I have not carefully studied this particular question deeply—but I have been impressed with the growth of the sentiment against capital punishment.

Now, there was Frederick the Great, of Prussia, one of the greatest generals who ever lived, a man who believed strictly in military discipline, a man who believed in civil discipline because he used to kick his judges when they did not decide as he wanted them to. He was condemned by his own father to death for some infraction of the military law,—he and a friend of his who was in the army—and his friend was executed, and Frederick was compelled to witness the execution. Afterwards, when Frederick came to the throne, he wouldn't permit the taking of life within his dominion for any infraction of the law.

And I have felt it incumbent upon me to renew to the legislature of my State my advocacy of the abolishment of capital punishment. I believe it is in line with the tendency of the age, and I feel disposed to renew that recommendation at the coming session.

Governor Holcomb had something to say about the militia,—that it is well to have determined one way or the other the status of the militia. As it is today, it is about nineteen-twentieths a national institution, and almost nineteen-twentieths in our State, as far as the expense goes, a State institution. I do not believe that we can have effective duality of control of military forces. I think the national government should have control of the military forces of the country, and I think it should manfully pay the bills.

In Massachusetts we have armies that cost us something like six millions of dollars. We spend a great sum of money every year upon our militia. I believe we have a very efficient militia of about ten thousand men. They are men who would work in excellently in the second line of defense. It would be too bad to see that auxiliary of the national defense done away with entirely. We should not do away with the militia until the government has something else to substitute for it.

Last summer congress passed a bill which was first put in force after our men had been mobilized. When they were mustered into the Federal service they had a definite contract of service presented to them as a condition of their going to the front, where their patriotism bade them to go. The oath of the so-called Hay bill put them into a military servitude for something like six years. Well now, there was hardly a man there who did not rebel at the idea, but they believed that they were needed, and nearly every man did take that oath. But it did have an effect after the crisis had passed by. It did have the effect of deterring other men from enlistments; in fact, enlistments almost entirely stopped because it provided a vicarious sort of patriotism, that is, a few men are patriotic for all of us; a few men bind themselves to a long period of servitude, and the rest of us have it out in declaiming about the heroism and the patriotism of these men.

I think the heroism and the patriotism of these men should be passed around, that everybody should have an opportunity, and I think it is not going to be an easy task to build up any effective substitute for the militia upon the

plan which has as its basis the oath that is provided for by the Hay bill.

We are willing in Massachusetts, as the State has always been willing, to do its full share in the national defense; but if the national government is to have full control, then it should pay the bills for maintaining the militia, and we will pay our share of the national taxation which is imposed. It happens that we are paying an income tax of something like fourteen million dollars a year to the Federal Government. Some other sections of the country do not happen to have so much property, and do not pay so much. We do not find any fault with that, but the national government has a system of taxation that applies to the whole country, and if it is going to have complete control of its military forces, as I think it should, then it should also have complete control in the matter of paying the expense.

I'm not so sure that it will be a step in the right direction to do away with the States as separate instrumentalities in national defense. We have men coming here to Washington, but it is impossible for them to keep in touch, and especially in political touch, directly with the whole country. Abraham Lincoln was the great leader of the North in the War for the Union, but he had powerful support in the war governors, from John A. Andrew of Massachusetts, and the different men all over the country, to Yates of Illinois, who got behind the proposition of defense in their own localities and were tremendous factors in the result; and in the same way Governor Ledger of Virginia, was one of the pillars of the southern confederacy. And it may be that we will be making a mistake in doing away in our military system with the benefits that come with the division of the country—the political division—into States.

Gentlemen, these remarks occur to me in connection with suggestions that have been made by gentlemen who have preceded me. I believe with them in the importance of preserving the constitutional balance, the balance established by the constitution between the National and the State governments.



We have heard a good deal in the last two years about the immeasurable benefits that would flow if there was a United States of Europe. It is claimed that such a union would have prevented this war; and it would be a tremendous thing. But you cannot imagine a United States of Europe that would stand for a week that did not provide for the largest measure of home rule—that did not permit the people of the different parts of that continent to manage their own affairs. Any attempt to govern the whole continent autocratically from Paris or from Berlin,—any attempt to govern the people of the Hebrides and the people who live upon the slopes of the Caucasus by the same code of municipal law, would fail. You can not imagine a union of that kind that would stand for a week; and all this simply illustrates the wisdom of the framers of the American system. They were providing a system of government which would extend over a greater area and some day a greater population than that of Europe; and they believed that it was most essential to liberty, most essential to good government, most essential to the proper development of the individual, that the powers should not all be centralized at a given point, to be exercised autocratically from there, but that those powers should be dispersed and scattered as far as possible through the whole mass, that the people of the different regions of the nation which they were to found would have the priceless privilege of self-government. And I believe that self-government today is as important as it ever was at any time in the history of the world.

I am in favor of the American system of distributed power. Those matters of general common concern should be under the jurisdiction of a central power. But aside from that, let the people of each part of this country regulate their own affairs.

I might mention to you some of the astounding things that are done in Congress. I happened to be there for twenty years, and I am not without some share of guilt for what was done there. I believe that Congress can deal very well with these great national and common problems, but when they get down to dealing with the things that are under

the natural jurisdiction of the different legislatures, I think it must proceed at a great disadvantage.

Gentlemen, having indulged in this inaugural address, the chair awaits the pleasure of the house.

GOVERNOR SPRY—Mr. Chairman, the Executive Committee begs leave to report upon the question that was referred to it yesterday with relation to the admission of the District of Columbia as a member of this Conference. The committee desires to report unfavorably on the matter, but, of course, leaves the question to the good judgment to the Conference itself. We do offer the suggestion, however, that a precedent might be established that will embarrass us in the future because there are many cities of the Union of much larger population than Washington or the District of Columbia itself, and, if we admit Washington, possibly the populated cities, some of which are operating under the Commission Form of Government, might later on make application for membership. We prefer to leave the settlement of the matter to the Conference, but offer these suggestions. The Committee itself is unanimous in recommending unfavorably.

GOVERNOR DUNNE—Mr. Chairman, I move to sustain the report of the Committee. I hold largely the same views as those outlined by the Chairman of this Committee. It is within our knowledge that a great many of the cities of the United States today are controlled by what is known as the commission form of government, which is practically the character of government that prevails today in the District of Columbia. A commission form of government has commended itself to the good judgment of the citizens of some cities. In other large cities it has not received that popular approval. I think myself that the report of the Committee is a wise one. If we admit one city controlled by a commission form of government, even if it is the Capital of the United States, it will be establishing a precedent for other cities controlled in like manner. This, I understand, is a Conference of the executives of the sovereign States of the United States, and if we once open the door, the organi-

zation will become not only unweildly in numbers, but I think will not accomplish the results originally designed by the people who arranged for these Conferences of Governors. Therefore, I respectfully move that the report of the Committee adverse to the admission of any city to this Conference be sustained by this organization.

GOVERNOR MCCALL—Gentlemen, you hear the motion that the adverse report of the Committee on this subject be accepted and be approved. Is there anything further to be said upon the subject?

(The motion was thereupon duly put and carried.)

GOVERNOR MCCALL—Gentlemen, the subject assigned upon which Governor Capper, of Kansas, is to speak is "Our Duty and Responsibility after the World War." The Chair recognizes Governor Capper.

GOVERNOR CAPPER—Governor McCall and gentlemen: I was glad to hear Governor McCall in his preliminary remarks, take a stand for the abolition of capital punishment, and in view of the fact that the speaker this morning, Mr. Miller, made some reference to the result of that policy in the State of Kansas, I would say in just a few words that that policy has been very satisfactory in our State.

It's true, as was stated before, that in the State of Kansas it has resulted in a decrease in crime. I do not, however, attribute this entirely to the fact that we have abolished the death penalty. In fact, I think the decrease in crime is due probably more than any other one cause to the fact that we have had State-wide prohibition in Kansas for thirty-four years. That has had really more to do with reducing crime in our State than any other one factor.

We abolished the death penalty about twenty years ago. At that time, or previous to that time, the criminal practice was the most profitable branch of the legal profession in Kansas. Today the criminal lawyer is practically out of business in the State. There has been a greatly reduced number of lynchings in the State of Kansas since we adopted

the policy against capital punishment. We had many more of them when we were hanging than we have had since.

So the sentiment in the State of Kansas is now, I think, almost overwhelming in favor of abolishing the death penalty, and we would not think for one moment of going back to it.

GOVERNOR DUNNE—Governor, you have abolished the death penalty in Kansas, I understand, by executive order rather than by law.

GOVERNOR CAPPER—Until four years ago that was the fact, but four years ago we enacted a statute that actually prohibits legal hanging in the State of Kansas. For something like twenty years the Governors really had to shoulder the responsibility, but no Governor for twenty years would assume that responsibility of being responsible for the hanging of any man. But the sentiment of the State is very strong in that direction now.

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### **"OUR DUTY AND RESPONSIBILITY AT THE CLOSE OF THE WORLD WAR."**

GOVERNOR ARTHUR CAPPER OF KANSAS.

Governor McCall and Gentlemen:

The subject assigned to me on the program is "Our Duty and Responsibility at the Close of the World War." I prepared these remarks before the recent overtures on the part of the German Government. I might say in that regard that I think the United States should accept the peace overtures of the German Government in good faith, and that we should do what we can reasonably and properly to encourage a conference between the belligerent nations.

Domestic problems of vital consequence and importance will confront the American people at the close of the Euro-

pean war. Many of them can be foreseen and prepared for. Others perhaps now undreamed of, will arise to test the statesmanship of our leaders and the patriotism of our people. Economic conditions in the United States will change. The duration of the war; the final outcome; the terms of peace; the vitality left in the contending nations and their powers of recuperation, all will affect, in one way or the other, the commerce, the industry, the financial condition of this country, and the National life of our people. The question of tariffs, the problem of immigration, the maintenance and extension of our foreign markets, our fiscal problem, will engage our most serious attention. But above all our domestic problems will loom the great responsibility that America owes to our own people no less than to the world, of establishing among the nations of the earth a permanent peace that shall never again be broken by the insanity of war and the deformity of militarism.

One need be neither a believer in the red-blood school of philosophy which defies Brute Force, nor a namby-pamby sentimentalist, to hold the belief that in the end some good to humanity will result from the hell that is now devastating so large a part of the civilized world.

Whether we look upon this war as inevitable—the product of irresistible tendencies— or consider it as the result of the deliberate machinations of scheming rulers crazed by lust for power, it is the duty of the sane men of the world to make this world tragedy, which now seems to many of us to have set back the clock of civilization a thousand years, the marker of a new epoch in human progress. Humanity must gather up the fragments of the wreck and must begin the work of reconstruction upon a greater plan and with a higher purpose than any plan with which the world has ever built.

America by good luck, or by the grace of God, or by wise statesmanship, as you will, has “kept out of war;” but our interest in its consequences is none the less on that account; and our duty and responsibility is all the greater. All the greater, too, because we are not entirely spotless; our hands are not wholly clean. We have pursued the safe course—and

have filled our coffers in the meantime. We have fattened on the blood of the battle field. Our farms have been depleted of horses; our grain has sold at war-time prices; our factories have worked overtime making munitions and our speculators have fattened upon "war-babies." The people of the United States, for all our neutrality, HAVE participated most actively in the World War; and we cannot evade our responsibility at its close.

In the natural trend of events it is highly probable that the United States government will have a voice in the negotiations of peace upon the cessation of hostilities. To be in position to participate in a conference of such transcendent importance it is vital that this government and this people maintain an open mind, and observe in advance the most impartial neutrality. It is not for us now to begin dictating the details of terms of peace; we must not pre-judge a cause which we may later be called upon to adjudicate. But certain principles are fundamental and may be discussed without prejudice to our standing as arbitrators. Foremost among these is the principle of a permanent peace. Better that this war with all its unspeakable frightfulness and suffering should continue for years than that it should end with an inconclusive peace—in an armed truce, with the contending nations nursing their old animosities and ready to resume hostilities upon the first provocation or excuse.

Upon the American people rests the responsibility and duty of leadership in the movement for permanent peace among civilized nations. And the duty is not wholly altruistic. It is no Quixotic enterprise to which we are called. We are not meddlers in the affairs of others when we say that War must cease. The interdependence of nations; the bonds of commerce and finance, entirely aside from the dictates of common humanity, make it impossible for this plague of war to exist anywhere upon the globe without seriously affecting both our international relations and our domestic affairs. We can no more rely upon our geographical position of isolation as warrant for indifference. We cannot

therefore be accused of being sentimental when we insist that our plea for peace be heard.

Putting the question on its very lowest basis, looking at it from a purely material point of view, war accomplishes nothing which could not be accomplished in a sane and Christian manner, and its cost in dollars and cents is far beyond all computation. The nations of Europe are expending a million dollars every thirty minutes. They are slaughtering human beings at the rate of a million men a year; they are wiping out the production of centuries of progress, entailing a loss upon the world which no gain of territory can ever replace. Our protest is not sentimental, altho we thank God that we are moved by human suffering and the waste of human life by this destroying world-sickness.

I believe that this thought is uppermost in the minds of the civilized world today. This war has intensified as nothing else could have done the hatred of battle and has brought home not only to rulers, but—what is of greater importance—to the people of the earth, the utter folly, the wicked futility, the criminality of a resort to arms as a means of settling international disputes. Chancellors and premiers and cabinets in the capitols of Europe, who a few years ago would have laughed at any plans for permanent peace as chimerical schemes of dreamers, are now ready to consider with respect any measure that proposes immunity from this mad disease.

With few exceptions, the thinking men and women of the world agree that war is a barbarism which should be impossible as a policy of modern nations or in a Christian civilization. The cruelty of war; the wickedness of war; the economic waste of war; the absurdity of war is universally admitted. But the world's statesmen, either obsessed by an ancient superstition or with near-sighted state-craft plotting and intriguing for some hoped for advantage to themselves or to their country, seem unable or unwilling to abolish the crude custom of the Dark Ages of settling disputes with fire and sword. They realize that they live today in a new world, a world transformed in the last

one hundred years; a world knit together by the telegraph and the wireless, a world made one country by quick transportation facilities and worldwide commercial enterprises, a world physically recreated in a century by science, invention and commerce; and intellectually made over by the wide dissemination of intelligence and the inculcation of the spirit of liberty and brotherhood in the hearts of all men, they know that in every avenue of human endeavor the world has made progress, but they still insist on applying to international disputes a method employed by the savages of the Stone Age; they admit no progress; they accept no new ideals. There are, it is true, here and there, men who profess still to believe in the tonic properties of blood-letting; who profess to think that the doctrine of the survival of the fittest implies a struggle of brute force; but such philosophy is held by comparatively few. No man can study the history of the evolution of human society and fail to see that law must be maintained between nations as it is between individuals. Absolute sovereignty of the various nations is as impossible as absolute sovereignty for the individual. It now amounts to anarchy.

The close of the world war strikes the hour for the organization among civilized nations of an actual federation with the purpose of maintaining a world peace. And America is the one nation which can propose such a federation and effect its organization. We are the nation which can best assume the leadership. The task is hopeless without us. This is because of our non-participation in the present struggle and because of the magnitude of the nation and its resources. We are largest producers of the materials from which war munitions are made; we are in a fair way to become the bankers of the world; our population increases rapidly; our material growth and expansion have excited jealousy in certain quarters, so that any effort at federation is doomed to failure unless we participate. Historically, too, we are committed to the principle of conciliation. We showed the world as early as 1794, by negotiation under the Jay Treaty, the possibility of arbitration of questions of fundamental importance. Our present position, our historic attitude, to



say nothing of the idealism which is a part of the American character, demand that we take the initiative in this tremendously vital movement.

As I speak here this afternoon, a distinguished American, former President William Howard Taft, is addressing the citizens of Kansas in their capital city, upon the proposed League of Nations to Enforce Peace. Of the many movements in the interest of permanent peace, undertaken by peace-loving persons during the last hundred years, this league, of which President Taft is the head, seems to have met the most ready acceptance. I am glad to raise my voice today with Mr. Taft's in urging upon the American people the most earnest consideration of the proposals the League advances. The plan doubtless is not perfect. Difficulties and perplexities may arise in working out its details. Objections may be made to certain of its provisions, but its fundamental principles must appeal to all advocates of Peace.

It proposes the formation of a League of Nations after the close of the present war, which shall establish a permanent international court of justice to which all justiciable questions arising between the signatory powers shall be submitted; all non-justiciable questions to be submitted to a council of conciliation for hearing, consideration and recommendation. The members of the league shall use first their combined economic forces against any of their number that refuses to submit any question to the tribunal or council of conciliation before threatening war; and follow this by the joint use of their military forces against that nation if it actually proceeds to make war. The fourth proposal of the league is for conferences between the signatory powers to formulate and codify the rules of international law.

The World's Court League, of which Mr. Taft is honorary president, and Mr. John Hays Hammond president, is conducting an active propaganda for an international tribunal or "Court of Arbitral Justice" as agreed upon at the Second Hague Conference. Its program is similar to that of the League to Enforce Peace, with the exception that it does not include the idea of force. It calls for a conference of all

great governments not later than the close of the war, as described in the United States Naval Appropriation Act of 1916, or a similar assembly formally designated as the Third Hague Conference.

The most prominent of the numerous peace agencies in Europe is "The Central Organization for a Durable Peace" whose program includes a demand for the creation of a World Court, World Council and World Congress with an agreement to compel references to court or council.

Our own national government by the statute known as the Naval Appropriation Act of 1916, is committed to the Hague idea. It declares the policy of this country to be to "settle its international disputes thru mediation or arbitration," and authorizes the president:

1. To "call a Conference of all great Governments" not later than the close of the war, whose duty it shall be

- (a) To formulate plans for establishing a world tribunal for the peaceful settlement of international disputes, and

- (b) To consider the question of disarmament.

2. To appoint nine Americans "to represent the United States in such a conference."

3. To suspend further building of the navy, when such international tribunal shall have been established and shall have rendered unnecessary the maintenance of competitive armaments.

As a Quaker by birth, I can readily appreciate the reluctance many feel toward subscribing to a program that includes physical force; but it should be noted that none of the plans propose to employ armed force to compel compliance with the findings or the acceptance of the verdict of the Court or Council. Economic pressure is to be brought first. The combined forces of the League are to be used only to prevent the beginning of actual hostilities prior to a hearing and rendering of a verdict or recommendation. Do we manifest too great an optimism when we hold the hope that a full and fair discussion of the questions involved in disputes between Christian nations, usually will lead to a willingness to compromise? The power of public opinion has increased mightily during the last generation. The one

ray of hope that we have been able to glean from the present war, is the great concern manifested by the contending powers to justify their acts in the eyes of the world, and to their own people. The day has gone when even the most powerful nation relishes being regarded as a bully or a blackguard. In the last hundred years no nation has dared set aside the findings of a court of arbitration. Human society has evolved too rapidly in the last century for a Caesar or a Napoleon ever again to defy the world.

And, moreover, as believers in democracy we are bound to believe in an inherent sense of justice in the hearts of the masses. Down-trodden and sodden as still are too many of the "lower classes" of the mighty empires of the earth, the leaven of intelligence, of justice, of fair-play is nevertheless working, and men do not willingly become cannon-fodder for a false ideal. It is "God and Home and Native Land" for which they are willing to die, and not a trivial quarrel nor to gratify the greed and cupidity of unscrupulous rulers. The most autocratic government that ever existed derived its powers, just or unjust, from the willing or unwilling consent of the people. And so war exists by the consent of the people. Grudgingly and unwillingly men give their consent, after being appealed to by false patriotism, by the glamor of a sham glory, by coercion and fraud—but none the less the consent of the people. No war can be waged successfully without the support of public opinion. It demands a righteous cause, a just issue, and the use of all other means first. Let the people really know why they go to war; let them see the petty grounds of the quarrel; let them appreciate the justice of the compromise that is offered as a way out, and wars of revenge, of greed, of jealousy become impossible.

Let in the light and publicity will cure most of the world's international ills.

While it may not be germane to the subject I cannot forbear expressing the hope and the belief that the appalling suffering inflicted upon the peoples of Europe will greatly hasten the day of a world-wide democracy—when the people shall indeed rule and kings and emperors and czars

shall be no more. And as democracy increases, the lust for war, no longer fanned by the scheming ambitions of individuals, will decline.

Referring again to the program of the League of Nations, should the weight of world opinion prove ineffective, the League has in its proposed economic boycott, a weapon almost as powerful as war itself. Few nations could withstand its pressure for long. Money, the stock exchanges, the cables, the wireless, the postal service, all are international forces without which no nation could long make war, even if it could provide its own munitions and provender. And should this fail it is not inconsistent with the highest ideals of Peace to create a police force to maintain or to compel peace.

The only danger is that we may lose our unique opportunity thru the scattering of our energies, thru becoming confused and ensnared in the multitude of considerations and possibilities which the war brings to the minds of thinking men and women. Our task is to keep one single issue burning into the general human consciousness: That the world can and must find some other way to settle differences of opinion than by the slaughter of men and the starving of women and children.

General Grant said near the close of his career that he never saw a cause of dispute between nations which could not have been settled by a resort to peaceful means. Emerson said: "It is not a great matter how long men refuse to believe the advent of Peace; a universal Peace is as sure as is the prevalence of civilization over barbarism, of liberal governments over feudal forms. The question for us is only 'How Soon?'"

Gentlemen, the time has come. God grant that the American people will accept the responsibility and the opportunity.

The world is sick of war, and more willing than ever before to listen to the voice of sanity, and to put an end to international anarchy, wherein each nation attempts to enforce its judgements by its own arms. Official representatives of England and of France have announced that

their peoples are willing to co-operate in some such program. The preference of the Czar of Russia for peace cannot be questioned. Chancellor von Bethmann Hollweg sweeps aside German advocates of ruthlessness, and declares that Germany is ready to join in the movement to prevent a recurrence of such a war. The United States is the logical nation to begin this movement for which destiny has now prepared mankind. Never before since the dawn of history has such an opportunity been presented to any nation as now comes to ours. And, gentlemen, our appeal will be irresistible.

GOVERNOR MCCALL—Gentlemen, Governor Alexander, who was announced to be here to speak upon this subject, is not present. The suggestive paper of Governor Capper should provoke discussion. Is there anyone who desires to address the conference on this subject?

GOVERNOR DUNNE—Mr. Chairman, I have not the slightest doubt but that the ideas expressed in the very able and very vigorous address of Governor Capper have permeated the thinking people of the whole civilized world. It's incomprehensible to me that every civilized country on earth has found a way within its own territory, and in its own jurisdiction, to compel the settlement of all differences in a peaceful way, and yet the whole civilized world cannot find a way to settle in a peaceful, decent, orderly manner the controversies that arise between nations. However, it occurs to me, and, no doubt, has occurred to Governor Capper and to others who have given this serious thought, that while it is a magnificent opportunity for any nation, particularly a nation so powerful, a nation so peacefully inclined, as this great republic, to intervene and bring about this most desirable method of enforcing peace between the nations of the earth, a difficulty faces this government or any other government that attempts to take the initiative, and that is the difficulty that arises as against every peace-maker who attempts without solicitation to offer its good offices to belligerents. Whether it be in private controversies between individuals, or in public controversies between nations, a

voluntary intervener generally gets the worst of the bargain. If a government, of its own motion, attempts persistently and with vigor to adjust the differences between the warring nations, the result might be the same. That is the insuperable—or probably I am using too strong a term—but that is the very dangerous predicament that this country or any other country will face if it, of its own volition, and without invitation, should attempt to force its well-meant assistance upon the warring nations. How can that be achieved, how can it be accomplished, without giving offense to the warring parties? And how can it be successful? That is the main difficulty, as I see it.

LADY IN THE REAR OF THE ROOM—Mr. Chairman, I am not a Governor, but I have something I would like to say. Is it my privilege to say it?

GOVERNOR MCCALL—It will be necessary to have the unanimous consent of the Conference.

GOVERNOR DUNNE—With all proper deference to the lady, I should suggest that the paper under discussion should be discussed by the Conference itself before outsiders be permitted to discuss it.

FORMER GOVERNOR WALSH—For the sake of opening up the discussion I would like to ask Governor Capper if he can answer two serious objections that I have heard suggested to the peace plan and by friends of the plan too. The first is that the union for the establishment of peace means the abandonment by the United States of the doctrine of making no alliances with any other country; and, secondly, that the establishment of a union of nations, such as has been suggested by the Governor of Kansas, is the very thing that has led to so many countries being involved in this war; that it has been the alliances that countries had one with the other that has led to this war being so widespread and extensive. I have heard those objections suggested to the proposed peace plan, and I would like, for the sake of discussion, to hear what the Governor and others

have to say on those two aspects of the difficulties of the establishment of the union of nations.

GOVERNOR MCCALL—Governor Capper.

GOVERNOR CAPPER—I believe those objections are rather vital. I have not heard those objections seriously raised. I would like to hear others who have been possibly more actively identified with this discussion to meet those objections, if they can.

FORMER GOVERNOR WALSH—Of course, the plan of the league provides that it shall enforce its decrees by going to war ultimately.

GOVERNOR CAPPER—After everything else fails.

FORMER GOVERNOR WALSH—Yes. Say there are ten nations in this union, and if one of them rebels and refuses to adopt the decree, the other nine say, "Very well, we will annihilate you; we will close your harbors; we will stop all communications with you; we will destroy your commerce; and we will jointly bring our navies and armies together to crush you." That's the theory; that's the principle; that's the last resort. Of course, you are proceeding on the theory that no nation will be so foolish as to permit that situation to arise. But the objections that I have suggested have been more or less discussed in magazines and other articles, and I think that they are worthy of very careful consideration.

FORMER GOVERNOR WEEKS—Mr. Chairman, as to the first objection to which the ex-Governor of Massachusetts referred, I want to repeat what I heard a few nights ago. It was my privilege to be at the table with ex-President Taft, and among the guests was one of the professors of Wesleyan, and that very question, but with particular reference to Washington's possible attitude on this matter, came up, and the professor made this statement: "Had Washington been a seer or a prophet, and could have looked ahead and seen what is taking place today, with flying machines and submarines, etc., he would never have made

such a statement, with regard to entangling alliances," and I heartily agreed with the Professor.

Speaking of the paper of Governor Capper, there is a thought that was expressed a few days ago in my hearing, which I believe is well worth repeating here, emanating as it did from one who I think is fully capable of making the statement. I was in New York, and a friend introduced me to a German officer, or a man who had been a German officer, but is now an American citizen. He came to the United States some twenty years ago, marrying here, and became, I think, connected with a brokerage business. But when the war broke out he couldn't refrain from going on the other side. He went over, and as he told me, he was with the army for several months. He had to go over in some capacity or other, so he went as a newspaper correspondent, and the thought which he gave me and which I wanted to leave with you, is this: Governor Capper spoke about the war and being ready for it. This officer told me that one night he was talking with another of the soldiers, and some soldier learned in some way, through some periodical or other, of the scheme that is on foot here in America to form this League to Enforce Peace, and he said it was the subject of discussion there for several nights. One night he said there must have been twenty of them talking, when one threw up his hands and said, "Thank God for that, let's hurrah for the League to Enforce Peace!" I just give you that, Governor Capper, because it seems to me that comes pretty straight—only one voice between that and the soldier that came to my ears, and that was an American in spirit. And after he had gone, I asked "Who is that man?" "He is a German nobleman," I was told. "His father was one of the wealthiest men in Germany, and you can depend on every word that gentleman has said."

I want to compliment Governor Capper, if he will allow me to, on that paper. We have heard not only from ex-President Taft, but from thousands interested in the movement, and I have the honor to be one of the vice-presidents of the League of my State, the Governor is another, and I am much interested in this movement. The league has been



widely recognized in your State, Governor Walsh, and if I am not mistaken, Mr. Chairman, you led off in the movement. I know you started it in Massachusetts; and in Connecticut, in my home town, we have started the movement.

FORMER GOVERNOR WALSH—I have spoken already merely to open the discussion. I am very glad the Governor brought that up. I thought the answer of the professor was a pertinent one, namely, had Washington been a prophet, and had looked ahead and had seen what is taking place to-day, through the use and possibilities of flying machines and submarines, he doubted whether President Washington would ever have made such a statement.

I thank you, gentlemen.

GOVERNOR MCCALL—Does any other gentleman desire to speak upon this subject?

GOVERNOR DUNNE—Governor Capper, what is the practical way of learning the world's wishes in this matter?

GOVERNOR CAPPER—Well, of course, I think the developments of the last week give us some encouragement that it will not be necessary for us to put up any program—we need but encourage it.

GOVERNOR DUNNE—In other words, announce a readiness to help.

GOVERNOR CAPPER—Yes.

GOVERNOR DUNNE—But you know what the fate of the man who interferes in a row is!

FORMER GOVERNOR WALSH—This League does not purpose to interfere in the present war, but at the close of the war to organize a movement among the nations.

GOVERNOR DUNNE—I see.

GOVERNOR CAPPER—But in the meantime they have got to work on the program.

GOVERNOR GOODRICH—Would a league of that kind in your judgement be effective without including Japan and the far East?

GOVERNOR CAPPER—I think we could get along without Japan, but I believe Japan would come in.

GOVERNOR GOODRICH—I am, of course heartily in favor of the plan, as every right thinking man must be; but this difficulty occurs to me: It means a parliament of nations and the abrogation of every treaty now existing between the nations of the world. Japan and Russia have treaties of offense and defense. Japan and England have also. I do not see how anything of that kind can be effective unless it embraces the far East as well as Europe and America. Treaties are still in existence between China and Russia following the *status quo* of the far East. It occurs to me that nothing of that kind will be practical or could be worked out, unless it embraced not only every first class power in Europe and this hemisphere, but China and Japan as well.

GOVERNOR MCCALL—Any other remarks to be made?

GOVERNOR SPRY—Mr. Chairman, if there are no further remarks,—and I have no desire to shut off discussion at all, but should there be no further remarks,—I would move you that we go into executive session, and settle certain matters of business that are quite necessary to be taken care of before adjournment of the Conference. However, I do not want to shut off discussion, if there is any gentleman who desires to continue it.

GOVERNOR MCCALL—Gentlemen, you hear the motion that the Conference go into executive session.

(The motion was thereupon duly put and carried, and the Conference accordingly went into executive session.)

## EXECUTIVE SESSION

Governor McCall of Massachusetts presiding.

The auditing committee reported that the Treasurer's accounts had been audited and were found correct.

The Treasurer's report, approved by the Conference, is as follows:

WASHINGTON, D. C., DECEMBER, 12, 1916.

JOHN FRANKLIN FORT, Treasurer,

In account with the Governor's Conference.

## RECEIPTS

1915.

Aug. 24. Balance in the hands of the Treasurer, as per report of August 24th, 1915, to the Governors' Conference at Boston, Massachusetts. . . . . \$1122 24  
Since received from M. C. Riley, Secretary, and the Treasurer of the State of New Jersey, the following assessments from States:

1915.

Sep. 30.	Connecticut .....	\$150 00
"	Arizona.....	150 00
"	Illinois .....	150 00
"	Minnesota .....	150 00
"	Kansas.....	150 00
"	Rhode Island.....	150 00
"	Maryland.....	150 00
Oct. 13.	Delaware .....	150 00
"	Idaho.....	150 00
"	Iowa .....	150 00
"	Maine .....	150 00
"	Montana.....	150 00
"	Nevada .....	150 00

Oct.	13	South Dakota ..	\$150 00	
"		Virginia ..	150 00	
"		Washington ..	150 00	
"		Wyoming ..	150 00	
Nov.	8.	New York ..	150 00	
"		Utah ..	150 00	
"		Vermont ..	150 00	
"		New Hampshire ..	150 00	
1916.				
Jan.	6.	Wisconsin ..	150 00	
Feb.	26.	Alabama ..	150 00	
May	24.	Oklahoma ..	150 00	
June	19.	New Jersey ..	150 00	
July	15.	South Dakota ..	150 00	\$3900 00

Total receipts from States. . . . \$5022 24

1916.				
June	1.	Interest from September, 1915 to May, 1916, inclusive. . . . .	\$ 36 17	
		Interest from June, 1916 to November, 1916, inclusive. . . . .	18 44	54 61
Total receipts, including interest....			\$5076 85	

## DISBURSEMENTS

1915.				
Sep.	3.	Check to M. C. Riley, Secretary, for bill approved by Executive Committee, expenses, etc. ....	\$ 342 03	
Voucher 1				
Oct.	30.	Check to M. C. Riley, Secretary, for bill approved by Executive Committee, expenses and salary for August and September.....	355 38	
Voucher 2				
Nov.	10.	Check to order of Edgcomb, Neylan & Sheehan, for stenographic work for Boston Conference...	396 90	
Voucher 3				
1916.				
Feb.	2.	Check to M. C. Riley, Secretary, bill for expenses, expressage, etc., and salary for October, Novem- ber and December, 1915 and January, 1916 ....	542 22	
Voucher 4				
Feb.	2.	Check to Cantwell Printing Company, for letter heads, envelopes, etc., and for printing pro- ceedings of 1915.....	807 25	
Voucher 5				
Apr.	19.	Check to M. C. Riley, Secretary, for salary for February and March and expenses etc.....	279 11	
Voucher 6				

Aug. 1.	Check to M. C. Riley, Secretary, salary for April, May, June, July, 1916, and Postage, expenses,	
Voucher 7	etc., . . . . .	\$684 60
Oct. 10.	Check to M. C. Riley, Secretary, salary for August and September, 1916, and expenses. . . . .	251 75
Voucher 8		
Total Disbursements . . . . .		<u>\$3659 24</u>

## SUMMARY

Total receipts to date . . . . .	\$5076 85
Total disbursements to date . . . . .	<u>3659 24</u>
Balance in hands of Treasurer, December 12th, 1916. . . . .	\$1417 61

Respectfully Submitted,

JOHN FRANKLIN FORT, *Treasurer.*

Dated December 12th, 1916.

The foregoing account both as to receipts and disbursements audited by the undersigned and found correct.

ROLLAND H. SPAULDING,  
JOHN B. KENDRICK,  
Committee.

Washington, D. C., Dec. 15, 1916.

A motion to assess each state the customary amount (\$150.00) to defray the expenses of the Governors' Conference for the year 1917 was unanimously adopted.

Upon invitation of Governor Spry, Salt Lake City, Utah, was selected as the next place of meeting.

Governor Spry of Utah, Governor Capper of Kansas and Governor Manning of South Carolina were unanimously chosen the members of the Executive Committee for the ensuing year.

It was moved and carried that the date for the next Conference be determined and announced by the Executive Committee.

Honorable John Franklin Fort was unanimously re-elected treasurer.

Miles C. Riley was unanimously re-elected secretary.

There being no further business before the Executive Session the same was dissolved.

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## SATURDAY MORNING SESSION

DECEMBER 16, 1916.

(The Saturday morning session of the Governor's Conference was convened at ten forty-five o'clock, with Governor Goodrich of Indiana, presiding, in the absence of Governor Elliott W. Major of Missouri. Governor Goodrich was presented to the conference by Governor McCall.)

GOVERNOR MCCALL—Shall we come to order, gentlemen? Governor James P. Goodrich of Indiana, will preside over the meeting this morning. I have the pleasure of introducing the Governor and giving him the chair.

GOVERNOR GOODRICH—The subject this morning is "A Waterway from the Lakes to the Gulf." The Governor of Illinois is to discuss the question. It's fair to say that the Governor of Illinois and the Governor of Indiana never can consent to any system of connecting the Lakes with the Gulf that does not pass through both States. I want to advise you in advance that we have at least two or three routes extending through Indiana that make splendid connection between the Lakes and the Gulf, and that Indiana is in favor of it. Gentlemen, I have great pleasure in introducing to you Governor Dunne of Illinois, who will discuss the subject.

FORMER GOVERNOR FORT—I have suggested to Governor Dunne that it might be well to wait for fifteen or twenty minutes until Colonel McVicker, who represents the War Department, may speak.

GOVERNOR DUNNE—General Mann.

FORMER GOVERNOR FORT—General Mann has been sent here, and is representing the Secretary of War, at his suggestion, instead of Colonel McVicker.

GENERAL MANN—The Secretary asked me to present a few matters to the Conference.

GOVERNOR GOODRICH—Gentlemen, General Mann, of the War Department.

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## STATEMENT

By

GENERAL MANN

Chief, Bureau of Militia, War Department

Gentlemen of the Governor's Conference:

Secretary Baker has asked me to come before you gentlemen this morning. He is just back from the West, and is very much occupied, and he said I could represent his views and perhaps be able to answer questions better than he could on some of the points that may come up on which you may wish information. I would like to state preliminarily that I have just come to the Militia Bureau from the Mexican border, and have been here a little over a month, so you may be able to ask me questions that I cannot answer. I will try, however, to do what I can.

I would like to read, first, an extract from the report of the Secretary of War for this year, explaining in a general way the mobilization of the National Guard during the past summer:

"The known presence of large numbers of bandit forces and irregular military organizations, hostile alike to the de facto Government of Mexico and to the Government and people of the United States, made it apparent that further aggression upon the territory of the United States was to be expected. The Mexican border is a long and irregular boundary line, passing in places through cities and towns, but for great stretches running through sparsely settled regions and through a wild and difficult country. The forces at the disposal of the commander of the Southern Department for the protection of this border had been strengthened from time to time by the transfer to that department of a very large part of the Regular Army within the limits of the continental United States, including some detachments of Coast Artillery forces, withdrawn from their coast defense stations. It was, however, clear that even thus strengthened the forces under Gen. Funston's command were inadequate to patrol this long and difficult line and to assure safety to the life and property of American citizens against raids and depredations. The President, therefore, deemed it proper to exercise the authority vested in him by the Constitution and laws to call out the Organized Militia. On May 9, 1916, he issued a call, through the governors of the States of Arizona, New Mexico, and Texas, directing the concentration of the militia of those States at places to be designated by the commanding general of the Southern Department.

"San Antonio, Columbus, and Douglas were designated as the places of concentration for the Militia of Texas, Arizona, and New Mexico, respectively, and upon the arrival of the militia, the necessary procedure for their muster into the service of the United States, under the provisions of the act approved January 21, 1903, as amended by the act of Congress approved May 27, 1908, was at once entered upon and vigorously prosecuted, the greater part of the militia, so called, having been mustered into the service of the United States before the close of the fiscal year. It was also directed by the department that the Federal authorities assume the duty of recruiting for the militia service of the United States. In accordance with these directions, the command-



ing general of the Southern Department was ordered on May 27, 1916, to detail officers and enlisted men from the Texas Militia mustered into the service of the United States to recruit the Militia of Texas to its full strength, and similar orders with respect to recruiting were issued with regard to the militia of other States at a later date. The reason which caused the President to issue the call for the Militia of Texas, Arizona, and New Mexico on May 9, 1916, impelled him, on June 18, 1916, to call into the service of the United States a large part of the Organized Militia and National Guard of the other States of the Union and the District of Columbia, the call being duly issued on the date last mentioned through the Governors of all the States concerned and the Commanding General of the District of Columbia Militia.

"In the meantime, the National-Defense Act had been approved June 3, 1916, providing, among other things, for the transition of the Organized Militia of the several States and the District of Columbia into the National Guard, by taking the oath prescribed by that act, and this transition was in progress in the several States when the call of June 18 was made. The call of the President found the militia at the very beginning of its transition from the Organized Militia, provided in the earlier legislation, into the National Guard provided by the recent National-Defense Act. There had been no time for the completion of the procedures provided for perfecting the National Guard, so that the mass of detail which under ordinary circumstances is involved in the concentration of the militia at various mobilization points was increased by the fact that some of the organizations existed wholly under their earlier status, some had completed their organization under the National-Defense Act, and some were in the course of changing their relation to the Federal Government from that provided by one to that provided by the other of these laws. Moreover, the provisions of the National-Defense Act, not having previously been applied, were required to be interpreted in many respects. There had not yet been time to work out in an orderly way interpretations of the act and instructions under it for the guidance

either of officers of the Regular Army or of the militia, who were required to cooperate in such a movement.

"To have worked out each detail, completed the transition of such State organizations, and recruited it to its full strength before transferring these forces to the border would have taken more time than the exigencies of the situation permitted. Instructions were therefore given on June 23 to the commanding generals of the Eastern, Central and Western Departments to transfer each unit to the border as soon as it was reasonably equipped for field service.

"The mere presence of this enlarged force on the border has served to preserve peace and to protect life and property. Disturbances by outlaws and bandits in northern Mexico have continued and roving bands of various numbers have moved through the territory, harassing Mexican forces and raiding Mexican communities, but they have not ventured an attack upon the people of the United States. In the meantime the militia forces on the border have been drilled, their organizations perfected, and their personnel accustomed to life in camp in the performance of this defensive duty. On the advice of the military commanders, it has been determined that full protection can be given on the border without utilizing the entire force of the National Guard in the service of the United States. The department therefore determined to send from time to time from their State mobilization camps portions of the National Guard which had not as yet done border duty, and in exchange for these freshly arrived contingents, the commanding general of the Southern Department has been directed to select equivalent numbers of troops which have been in actual border service for return to their home stations for muster out. These movements have been taking place with some rapidity and are now substantially completed. The number of National Guard now on the border is substantially 110,000 officers and men.

"From the beginning the department appreciated the sacrifice which the members of the National Guard were called upon to make in the interest of the national defense. These organizations, made up of men engaged in all sorts of industrial, commercial, and professional activity, were

summoned suddenly and without opportunity adequately to provide for a prolonged absence from home. In many instances family illness, business commitments, and other pressing engagements had to be faced, and an effort was made by the department in the presence of extreme cases of hardships to minimize the sacrifice. The most distressing class of cases were, of course, those of men with dependent families or relatives for whom no provision had been made and who were entirely dependent upon the peacetime earning of the citizen soldier. A number of cases were presented in which members of the National Guard were the occupants of public office, the continued functions of which were essential to the National and State Governments, and in some instances members to the National Guard were found to be pivotal and apparently indispensable directors of industrial and commercial enterprises upon which the Government is obliged to rely for the proper supply of commissary and equipment to the Army itself. The department attempted to deal with these embarrassments on the principle that the thing best for the National Guard, the thing which would tend to strengthen and build it up, would be most in harmony with the intention of the Congress in the National-Defense Act. A limited number of discharges were therefore granted on the ground of public policy, so as not to weaken the spirit of the National Guard at home by depriving it of the regular performance of the governmental functions or of the industrial and commercial operations upon which its supply and maintenance depended. For the relief of those members of the National Guard having dependent families or relatives an order was made authorizing the discharge of all soldiers so circumstanced upon their own application. A relatively small number of members of the National Guard took advantage of this order and were returned to their homes. By this means acute distress was prevented and the organization of community relief for dependent families, which had been undertaken in many places as soon as the call for the Guard was issued, was rendered less burdensome. The Congress later appropriated the sum of \$2,000,000 to be expended by the department under certain limitations pro-

vided in the act in the care of the dependents of soldiers, and this operation made unnecessary the continuance of the original order authorizing the discharge of such members of the Guard. The order was therefore withdrawn, and the department is now engaged in the distribution of the funds provided by Congress for the object stated.

"The National Guard is, both by law and in contemplation of its members, the line of defense immediately back of the Regular Army. It is organized for the purpose of responding quickly to emergency calls, but our country has been singularly free from international boundary difficulty which required more force than could be found in the organizations of the Regular Army within the country. The sort of duty presented by the Mexican difficulty, therefore, is unusual and may well have been unanticipated. The readiness with which the militia responded to this call was most gratifying, and when the transitional condition in which it was found by the call is remembered, the confusions and difficulties attending the mobilization will seem insignificant in comparison with its success and with the splendid spirit with which both men and officers of the National Guard responded.

"The duty in Mexico and on the border has been of the most trying kind which soldiers can be called upon to perform. The movement and enthusiasm of active military operations supplies a spirit of its own, but the soldier who is required to wait inactive finds it difficult to reconcile himself to the privations of camp life and to the separations from home, friends, and normal occupation required of him, and yet this most trying of services is just what has been required of our Regular Army and of the National Guard on the border. Their time has of course been used in profitable military training, and an enormous incidental advantage has accrued to the country therefrom. But it is not strange that some restlessness and complaint have been heard both from an occasional member of one of the Guard forces and from their friends at home who have not appreciated the necessity for their sacrifice, in view of the absence of active operations. These complaints, however, have been minor

and infrequent. The spirit of the regiments has been high, their service cheerful, and their appreciation both of their opportunity for public service and of the value of the training received by them has been evidenced from all quarters.

"In a subsequent part of this report I deal with the question of health and sanitation, so that I here but remark in passing that the health of the soldiers on the border has been remarkable; their freedom from camp fevers and from serious illnesses of all kinds is perhaps as striking an incident of efficient medical supervision as can be found in the history of any army. The initial difficulties of supply and transportation were soon solved. I have personally met the officers and men of several regiments which have returned from the border, and without minimizing the inconvenience to which these men have been put and the sacrifices which they have made, I can not help feeling that they have received some compensation from the experience, as they present uniformly pictures of splendid, vigorous bodies of men, trained and disciplined, and with the added dignity which comes from having performed a saving service for their country.

"Many valuable lessons will be learned from this mobilization experience which the department hopes can be applied in further organization of the National Guard. As yet it is too soon to sum up in detail all of these experiences, nor would it be just to the Guard to measure its response to this need by a mere statistical exhibit of its condition at the time of the call or the time of the transfer of its units to the border."

Since, however, these statistics form a permanent part of our military history, they must be accepted with a just estimate of their importance and they must be studied with a view to discovering remedies for deficiencies that they disclose. From a legal standpoint, the mobilization of the National Guard took place under the terms of the new law, but the actual conditions of the State troops at the time of mobilization in respect to training, discipline and efficiency represents the standards that were obtainable under the Dick law. Conspicuous among the causes of

deficiencies disclosed by the mobilization, may be mentioned the following conditions that were produced by the old law:

Ununiform and inadequate qualifications for appointment and promotion in the commissioned grades.

Lack of any efficient physical standard.

Lack of stability in the personnel due to excessive number of discharges prior to expiration of terms of service.

Lack of care of Federal property issued to organizations.

Lack of uniformity in the military codes of the several States, particularly in respect to terms of enlistment.

Low attendance at assemblies for drills and instruction.

Insufficiency of periods of training for the development of an efficient force.

Inability of the Federal Government to prescribe the organizations to be maintained by the States.

That defects would be exhibited in a startling way in case of real test was to be expected and it was through a realization of the inadequacy of the old law that provisions were incorporated in the new law to remedy or improve the existing conditions.

Criticisms that the National Guard has not come up to popular expectations, are due no doubt to a lack of understanding of the limited facilities and opportunities of the citizen soldier. It must be remembered that men who are engaged in civil pursuits and who can give only occasional short periods to drill and instruction, cannot acquire the skill and the discipline that should be characteristic of regular troops. As long as the National Defense is dependent upon volunteer service, the country must accept the standards that are inseparable from such service. Under these conditions, the Republic is fortunate in having a citizen force that was able to supply so expeditiously and so effectively a needed re-enforcement for the Regular Army at a critical time, when the policy of the Government demanded a display of military force beyond that which the Regular Establishment could supply. In round numbers, 156,000 men of all arms of the National Guard, have served in the Southern Department since mobilization.

It is proper to point out that the mobilization disclosed weaknesses of our system for which the Militia was in no way responsible and which caused serious inconvenience, if not hardships to the troops themselves.

Some of the mobilization camps were found unsuited for the purpose and efforts to change them resulted in delay in the delivery of supplies.

The small number of distributing points for Quartermaster supplies caused congestion and delay in shipments and there was an insufficient quantity of reserve supplies. Sufficient funds had never been appropriated to completely equip the Militia and to accumulate a reserve necessary for mobilization.

The demand for additional troops on the Mexican border was so urgent that Department Commanders were directed to expedite the muster-in and to dispatch organizations as promptly as they could be made ready. This injunction along with the general desire of the troops to make a good showing, caused undue haste. The necessary physical examination was slighted in some cases and some of the units arrived at their destination incompletely equipped and almost destitute of records.

In some States the muster-in process was unduly prolonged owing to the difficulties in obtaining recruits necessary to fill organizations to the required minimum strength. The listing of property and its transfer from State to Federal service and the preparation of the necessary rolls and records were difficult problems for all concerned. These tasks were further increased due to inability of the War Department to supply the necessary blank forms when required. State blanks differ from those of the War Department.

A very considerable number of men failed to respond to the call and the efforts of the unwilling were numerous enough to deplete seriously the original strength. The large accession of new men required to fill the ranks to war strength, lowered the standard that the organizations had attained and increased the task of preparation for service.

Thus the obligation for improvement rests upon the

Federal Government as well as upon the States. It must be recognized that the character of changes imposed by the new law is such that the effects will be attained not immediately but through patient endeavors extending over a considerable period of time. The future development of the State forces demands complete co-operation between the States and the War Department. There will arise differences of opinion as to methods of applying the law and mistakes will undoubtedly be made but if all concerned are actuated by a spirit of mutual confidence and by a patriotic desire to secure efficiency, the evils that have weakened the National Guard, must largely disappear.

GOVERNOR DUNNE—Permit me to ask the General if it would be agreeable to him to have the other paper scheduled for this morning read, because our time is limited, and then we can enter into a discussion of the whole matter.

FORMER GOVERNOR FORT—I was going to suggest, if General Mann can wait a little while, will Governor Dunne go on now and finish his paper, and take all the time necessary for his paper, and then we could have any discussion we want on the matter.

GOVERNOR GOODRICH—All right,—Governor Dunne.

FORMER GOVERNOR FORT—We do not have to leave until twelve-thirty. You have plenty of time.

GOVERNOR DUNNE—I want to express, Mr. Chairman, my appreciation of the General's courtesy in permitting me to read this paper. I think, owing to the limited time at our disposal, we had better have both papers before the Conference and then take the time remaining for discussion.

GOVERNOR GOODRICH—Governor Dunne needs no introduction.



## A WATERWAY FROM THE GREAT LAKES TO THE GULF OF MEXICO

GOVERNOR EDWARD F. DUNNE OF ILLINOIS.

Gentlemen of the Conference: Political questions that are acute in one State, and pertain to other States, are quite common. Socio-political questions also that affect one State frequently affect others, and are subject of common discussion by the different States, and by the Executives of the different States. It's rare, however, that a physical situation, involving commerce alone, affecting one State, affects a great number of States, and I think we have in the Mississippi Valley a question which today affects primarily the great State of Illinois, but which affects also most intimately and acutely nearly every State in the Mississippi Valley, and that is the construction of a waterway that will connect the Great Lakes on the North with the Gulf of Mexico on the South.

The Governor of Indiana has very properly expressed the sentiment of his State in favor of the construction of such a waterway, and the Governor also states that he would like to have that waterway run through the State of Indiana. We are perfectly willing that a waterway be constructed from the Great Lakes down to the Mississippi Valley through the State of Indiana upon exactly the same terms that the State of Illinois proposes to build this waterway. And we will cheerfully second every effort that the great State of Indiana will make in that line, as we will expect them to second the efforts that we are making in the State of Illinois, because the project of opening up that waterway from the Lakes to the Gulf, as contemplated in the State of Illinois, is a project which is to be financed and paid for wholly and exclusively by the State of Illinois; and in which we do not call for the expenditure of a single dollar from the Federal treasury or a single dollar from any other State in the United States.

Geologists tell us that centuries ago the waters from the British territories flowed down the Mississippi Valley through

the Great Lakes and over the southern portion of Lake Michigan, which is the southernmost of the Great Lakes, across the plains of Illinois and Indiana, and probably some of the other States into the Mississippi to the Gulf. There are many geological proofs that that was the fact centuries ago. When Marquette first came up the Illinois River from the Mississippi and landed at Chicago he discovered this physical situation as it existed at that time. The waters had subsided to such an extent that there was only a great ridge, at that time, separating the water basin of the St. Lawrence from the water basin of the Mississippi. A ridge of land varying probably from ten to thirty feet in height circles the lower part of Lake Michigan, through Wisconsin, through Illinois and through Indiana. At Chicago, when Marquette landed, coming up through Illinois and through Des Plaines, he discovered that the Indians used a portage for carrying their canoes from the DesPlaines River, which is a continuation of the Illinois. The Illinois River flows from near the city of Chicago to Alton where it empties into the Mississippi. It runs diagonally from the northwest to the southeast, and if that waterway were of a sufficient depth, you would have a sixteen hundred miles waterway from Lake Michigan to the Gulf of Mexico,—sixteen hundred miles of commerce by water. The Illinois River is formed near Joliet by the conflux or flowing together of the DesPlaines River, which is a continuation of the Illinois, and of the Kankakee River, which flows eastwardly across our State into the State of the Presiding Officer, and if they ever get a waterway in the State from the Great Lakes to the Gulf, they will probably utilize the Kankakee, and when they do utilize the Kankakee, and when they get into the State of Illinois, they will find the State of Illinois ready, as its legislature has already demonstrated, to construct that waterway from the junction of the Kankakee with the DesPlaines, which forms the Illinois River, down through the Illinois Valley. That's the physical situation, gentlemen.

A waterway, connecting the Great Lakes with the Gulf of Mexico, via the DesPlaines, Illinois, and Mississippi Rivers, has been the prophecy and the recommendation of

the pioneers and statesmen of the State of Illinois from the time that Pere Marquette and the explorer, Joliet, discovered the portage between the Chicago and the Des-Plaines Rivers in 1673, down to the present time.

#### THE ILLINOIS AND MICHIGAN CANAL.

When the State of Illinois, in 1818, was admitted to the Union, Nathaniel Pope, the far-sighted representative of the territory in Congress, caused to be amended the act fixing the boundaries of the State of Illinois, by placing its northern boundary so far north as to place within the limits of the projected State this projected waterway. The State was hardly admitted to the Union when the agitation of its statesmen was directed toward the construction of a canal between Lake Michigan and the Illinois River. Congress in 1822, and again in 1827, provided for the construction of this waterway by the generous donation of lands owned by the Government to the State of Illinois.

The construction of the canal was begun shortly after 1827, and was opened for use by the public in 1848. At the time it was designed and completed it was considered to be of adequate size to provide for the development of waterway commerce. At that time the only known motive power for the operation of boats upon canals was animal power. Not a steam railroad existed in Illinois, and no railroad was in operation in the State of Illinois until six years after the canal was opened for public use.

The only way then known to propel barges was by horses and mules, and a canal boat with a capacity of 200 tons was the then known limit of barge propulsion. A speed of from three and one-half to four miles an hour was the utmost that could be considered in a canal. With this motive power in view, and this capacity in contemplation, a canal adequate for the then possibilities was constructed from Chicago to LaSalle, about 100 miles in length. At LaSalle this canal entered the Illinois River, which has a natural depth from LaSalle to the Mississippi of seven feet. This canal had a depth of six feet, a width of 36 feet at bottom

and 60 feet on water line. Its locks were 100 feet long and 17 feet in width and only  $4\frac{1}{2}$  feet deep. Soon afterwards, however, the whole science of transportation was revolutionized.

Steam was harnessed, and adapted to railway and water transportation, and although the canal for many years proved to be a practical waterway and paid for its construction with the revenues derived therefrom, it became very apparent thirty or forty years ago that the canal as constructed must fall into disuse because of the competition of modern transportation as developed in railroads, and the inadequate dimensions of the canal.

For the last fifteen or twenty years the canal, built in the first half of the nineteenth century, has been practically fossilized and useless. In the last decade of the nineteenth century, however, it again became apparent that transportation by waterway between the Great Lakes and the Illinois River must be provided.

#### THE SANITARY DISTRICT CHANNEL.

The Sanitary District of Chicago was organized in 1890; primarily for the purpose of affording drainage and sanitation to the great city of Chicago, but the public became impressed with the fact that while primarily the object of the Sanitary District Canal was for drainage and sanitation, incidentally it should provide for navigation as far as it was built, and therefore a tremendous waterway was constructed from Chicago to Lockport, with a depth of 22 feet to provide for the commerce of the future. This provides a waterway of adequate depth from Chicago to Lockport, a distance of over 30 miles. From Lockport to Joliet, about 3 miles, there is a natural depth in the river of over 10 feet.

Since the completion of the Sanitary District canal the citizens of Illinois have been confronted with the following waterway situation: A channel from Chicago to Joliet, over 30 miles, with a depth of approximately 22 feet, and a depth in the river over 10 feet for the 3 miles between Lockport and Joliet. Thence a gap between Joliet and La-

Salle of 65 miles, in which the Des Plaines and Illinois Rivers flow over a sharply descending rocky ledge of 144 feet declivity making the river in its natural condition impractical for utilization as a waterway. Alongside of the river on this stretch is the old Illinois and Michigan Canal, with a present depth of about from 4 to 5 feet, with a width of 60 feet and with locks of such narrow dimensions as to be impractical for modern use. From LaSalle to Grafton, where the Illinois River enters the Mississippi River, we have a stretch of 233 miles, a waterway created by the Almighty, with a natural depth of 7 feet, easily capable, by dredging, of being deepened to 8 feet by the expenditure of a comparatively small amount of money.

From Grafton, where the Illinois River enters into the Mississippi River, down past St. Louis to Cairo, we have a depth in the Mississippi River of 8 feet, with no immediate prospect of securing a further depth without the expenditure of an enormous amount of money, an amount so enormous as to justify the Federal engineers in declaring that at the present time it is from an engineering standpoint impractical of development to a greater depth. This has been the situation confronting the people of the State of Illinois for the last quarter of a century.

#### THE DEMAND FOR AN ADEQUATE WATERWAY.

The necessity for the development of a waterway between Joliet and LaSalle has been clearly recognized by the people of the State. In 1907, or thereabouts, the people of Illinois, upon a referendum vote, amended the Constitution so as to provide for the issuance of \$20,000,000 worth of bonds, to construct and create a deep waterway between Joliet and LaSalle. After the passage of this constitutional amendment, providing for the issuance of these bonds for this purpose, a controversy arose between the engineers as to the depth and capacity of the proposed waterway. Some advocated a 14-foot channel, others a greater depth, and still others advocated the rehabilitation of the old canal to a depth of 8 feet. Unfortunately, as the result of this

engineering controversy, the project of the creation of a waterway over the 65 miles between Joliet and LaSalle has languished and nothing has been done.

This being the situation, I invited several prominent engineers to accompany me, in the summer of 1914, on a trip down the old Illinois and Michigan Canal, for the purpose of becoming acquainted with the physical surroundings thereof.

During that trip on the Illinois and Michigan Canal, I suggested to these gentlemen that, in view of the fact that there was only an 8-foot depth in the Mississippi River for over 200 miles between Grafton, the mouth of the Illinois, and Cairo, it might be wise to devise some engineering scheme which would give the people of the Mississippi Valley a depth of 8 feet in the Illinois River and from Chicago to Grafton in such a way as not to foreclose the future depth of the Illinois waterway, in the event that engineering science would hereafter discover a way to give us a greater depth in the Mississippi River. These engineers readily promised to give the matter consideration, and in 60 days thereafter they devised a scheme which they submitted to me in a written report which I submitted to the Legislature, to various associations of commerce in the State of Illinois, to engineering boards, and to other bodies, and this scheme has received practically universal approval.

#### THE WATERWAY SITUATION.

About 19 miles southeasterly from Joliet across the DesPlaines River is the projected dam of the Ecomony Light & Power Company, now under suspended construction. The rights of that company to this dam were acquired under a questionable lease obtained by that company about ten years ago from the then trustees of the Illinois and Michigan Canal.

Both Governor Deneen, my predecessor, and myself have been endeavoring for years in the courts to invalidate this lease, but so far the State has been unsuccessful in every decision rendered.

## THE ILLINOIS WATERWAY LAW.

With this statement of the physical situation, let us now consider what is proposed in the law recently passed by the Legislature of Illinois. It provides for the deepening and using of the old Illinois and Michigan Canal for 20 miles between Joliet and Dresden Heights, Dresden Heights being just south of the Economy Light & Power Company's dam hereinbefore mentioned, thence entering the Illinois River and deepening the channel thereof to at least an 8-foot depth, and 150-foot width, and using it as a waterway for 45 miles from Dresden Heights to Starved Rock, which is located just above Utica, except for about 2 miles at Marseilles, where the waterway channel is diverted from the river to a bypass along the south side of the river and thence back to the river after passing the private dam and water power of the Marseilles Water and Power Company. This diversion is made for the purpose of avoiding any legal delays or complications with that company, which now maintains a dam and electric light plant at Marseilles. If this project as above outlined be carried out it will be seen that it would afford the people of the Mississippi Valley a continued waterway 8 feet in depth from Lake Michigan to Cairo, and thence by the Mississippi River to New Orleans and the Gulf of Mexico. Said waterway being about 1600 miles in length from Chicago to the Gulf.

Heretofore there has been a wide divergence of opinion between engineers as to the depth of the proposed waterway. Some have advocated 24 feet, some 14 feet, some 8 feet and some even the rehabilitation of the old canal at a depth of 6 feet. In view of the fact that the Federal Government maintains a channel of only 8 feet for 225 miles in the Mississippi River between Grafton and Cairo, and in view of the further fact that there is no probability of a greater depth being attained in the Mississippi River between the said points for a generation at least, it occurred to me after reading the report of the Federal engineers as to the condition of the Mississippi River and its depth of 8 feet that it would be

a great mistake, now that the Panama Canal is open to commerce, to attempt the construction of any waterway at present in the Illinois and DesPlaines Rivers between Lockport and Utica at a greater depth than the channel in the Mississippi River.

#### AN EIGHT-FOOT CHANNEL SUFFICIENT FOR THE PRESENT.

I have been and am still of the opinion that it will not do for the State of Illinois to delay the construction of an 8-foot channel if such a depth can be secured at the present time without jeopardizing the future depth of the Illinois River in the event that a greater depth could hereafter be obtained in the Mississippi River. I appointed four competent engineers to examine into the situation and report to me thereon. These engineers after carefully examining the subject matter made a unanimous report, in which report was developed a scheme for the construction of an 8-foot waterway between Lockport and Utica. That scheme with some amendments demanded by local conditions at Dresden Heights, Marseilles and Ottawa, has after the fullest discussion in the press and before committees of the Legislature, been finally adopted and crystallized into the law.

The project will cost the State of Illinois not to exceed \$5,000,000, which is to be paid for by the issuance of bonds not to exceed that amount. The waterway power to be developed at Starved Rock and at Joliet at the present time will, it is estimated by these engineers, not only pay interest upon those bonds but will pay an amount every year into the sinking fund to help retire these bonds.

#### THE PLAN OF THE ILLINOIS WATERWAY.

The plan contemplates the using of the Illinois and DesPlaines Rivers for 45 miles at the present time, and the use temporarily of about 20 miles of the Old Illinois and Michigan Canal between Joliet and Dresden Heights. The temporary use of the canal for this 20 miles at the present time is necessitated by the fact that the Economy Light and Power



Company's lease prevents our utilization of the river at the present time between Dresden Heights and Joliet without paying this company a very large amount of money to cancel their lease. It is our intention to proceed promptly with the construction of the waterway between Dresden Heights, and Starved Rock over the 45 miles in which the river channel is used, and to endeavor in some way to procure a surrender, or cancellation, or make some arrangement with the Economy Light and Power Company under which we can utilize the river between Dresden Heights and Joliet. Failing so to do we will use temporarily the old canal between these points, enlarging the locks and deepening the old canal to an 8-foot depth.

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#### THE WATERWAY AN URGENT NECESSITY.

As before stated a navigable commercial waterway between the Great Lakes and the Mississippi River has been the prophecy and recommendation of every great statesman in Illinois from the day of Pere Marquette in 1763, when he crossed the portage between the DesPlaines and Chicago Rivers, down to the present day. That prophecy and recommendation seems to be realized so far as legislative action is concerned, by the law just passed. I believe a tremendous commerce will be developed over this waterway as soon as it is opened to the public.

The city of New Orleans has already spent \$9,000,000 in the construction of its municipal docks and wharves, preparing for a trade that must inevitably come down the Mississippi Valley en route to the Pacific coast. New Orleans is 900 miles nearer the Panama Canal than the ports of New York, Boston and Philadelphia. By reason of the revolution in commerce resulting from the opening of the Panama Canal, Illinois manufacturers have found it cheaper to ship by rail to New York and thence by ocean steamer to the Pacific coast, than to ship direct to the Pacific coast by rail, thus entailing a great handicap on Illinois producers in competition with producers on the eastern seaboard.

This handicap will be removed as soon as the waterway is opened between the Great Lakes and the Gulf.

This project is of enormous value to the whole Mississippi Valley. It will cheapen freight rates between the Gulf of Mexico and the Great Lakes, which must redound to the benefit of this great manufacturing and agricultural valley.

#### LACK OF WATER TRANSPORTATION FACILITIES A SERIOUS HANDICAP.

To let the waterway proposition linger along as it has done for the last quarter of a century with nothing done in the way of opening up a practical channel would be a commercial, financial and political blunder. The State of Illinois has awakened to the necessity of a commercial waterway, and has provided for the opening of an 8-foot waterway, and I believe the results will be of enormous value to the whole Mississippi Valley.

The reasons that can be adduced for the immediate construction of this waterway are overwhelming, as shown by the statements of such manufacturers, merchants, and shippers as those identified with Marshall Field & Co., Carson, Pirie, Scott & Co., Libby, McNeil & Libby, Edward Hines Lumber Co., Illinois Malleable Iron Works, W. W. Kimball Co., and a host of other manufacturers, merchants, and shippers almost too numerous to mention.

Since the opening of the Paname Canal, ocean traffic has been wonderfully developed between the eastern and western seaboard of the United States. The ocean tariff has proved to be much more economical than the transcontinental railroad tariff, and as a result the transcontinental railroad tariff has been lowered, but not lowered in the Mississippi Valley in which is the State of Illinois. As the result of this, manufacturers upon the eastern seaboard are able to compete more successfully as against manufacturers in Illinois, by reason of the cheap transportation they are getting from the eastern seaboard to the western seaboard.

Many manufactories heretofore successfully conducted in the State of Illinois will languish as the result of the ad-

vantages thus obtained by the eastern manufacturers, unless we open up water transportation over the Illinois and Mississippi Rivers to New Orleans.

#### THE WATERWAY WILL REDUCE FREIGHT RATES.

Mr. S. A. Thompson, secretary of the National Rivers and Harbors Congress, declared before the Illinois Legislature that the opening of the Panama Canal instead of being a benefit to the Mississippi Valley would be a disaster to that valley, unless we availed ourselves of waterway transportation down the Illinois and Mississippi Rivers to New Orleans. New Orleans is 900 miles nearer the Panama Canal than is New York, and, if the citizens of Illinois were in a position to ship their manufactured products to New Orleans by water, they would probably be in a better position than the manufacturers of the east who ship from New York, Baltimore and Philadelphia.

The Edward Hines Lumber Company, in a letter addressed to the Legislature of Illinois, declared that the railway tariff upon lumber from the Gulf of Mexico to Chicago is now \$12 per 1,000 feet, and that, if the 65 miles between Joliet and LaSalle were provided with an adequate waterway, these rates by water from the same point will not exceed \$6 per 1,000 feet, and that the saving by reduction of freights upon lumber alone from the Gulf of Mexico to Chicago, if only one-half of the lumber shipped to Chicago were shipped by the waterway, would amount to \$1,800,000 a year. Three years of such a saving would be \$5,400,000, or more than the estimated cost of constructing the proposed waterway.

Mr. Thompson, secretary of the National Rivers and Harbors Congress, also produced figures before the Legislature showing that the cost of waterway transportation on the Great Lakes was one-eighth of the railway transportation between the same points thereon, and that all waterway transportation was at least one-half less than the cost of railway transportation.

Self-propelled barges carrying from 1,000 to 1,500 tons of freight can, and will operate over this waterway between

Chicago and New Orleans to the great benefit of the people of the Mississippi Valley, if this important waterway be constructed and placed at the disposal of the people.

THE CONTROVERSY RELATIVE TO THE U. S. GOVERNMENT PERMIT.

The State of Illinois by an act of its Legislature, has authorized the construction of this connecting link of 65 miles in the 1,600 miles of waterway between Chicago and the Gulf of Mexico at its own expense, for the benefit of both the State of Illinois and its sister states in the Mississippi Valley.

An application for a permit to construct the waterway has been made to the Secretary of War and the engineer-in-chief of the War Department. That application is still pending and undetermined. It would have been granted, in my judgment, some time ago were the question not raised that the construction of this gap in the waterway would require the diversion of additional waters from Lake Michigan.

Some of the great cities on the inland lakes have become unnecessarily alarmed over this bugaboo. The State of Illinois does not require for the construction or operation of this waterway 1 gallon of water in excess of the 250,000 minute-feet which have been permitted to be diverted by the Secretary of War to the Sanitary District of Chicago for nearly twenty years last past. The waters pouring into the Illinois River from the DesPlaines, Kankakee and Fox Rivers, together with the amount legally permitted for years last past to be diverted through the Chicago River for sanitation purposes, are more than ample for all the needs and necessities of the proposed waterway. The Sanitary District of Chicago, and the city of Chicago, are desirous of securing from the Secretary of War additional flowage of water for sanitary purposes, but this is an issue created by the sanitary needs of the great city of Chicago with its 2,500,000 population, and not an issue raised in

any way by the application for a permit to construct this waterway.

Whatever may be the result of that issue between the Sanitary District of Chicago, and the Federal Government, it in no way would prevent the opening up of this waterway with the flowage heretofore legally allowed by the Secretary of War.

#### UNIVERSAL APPROVAL OF THE PROJECT.

Eight governors of eight of the great states in the Mississippi Valley have joined in requesting the Secretary of War to grant the permit for the building of this waterway. The executive officers of nearly every great city in the Mississippi Valley from New Orleans to Minneapolis and St. Paul, including St. Louis and other large cities on the Mississippi and Illinois Rivers, have also requested the Secretary of War to act favorably and grant the permit desired.

New Orleans has spent millions of dollars in building municipal docks and wharves to prepare for the trade that must go to that great city from the Mississippi Valley, and thence to the Panama Canal. Nearly all the great cities on the Mississippi and Illinois Rivers are preparing to erect or have in contemplation the erection of municipal docks and wharves to take care of the commerce that is certain to develop when this waterway is opened. Nearly one-half of the population of the United States resides in the Mississippi Valley and the retardation of the opening of this great improvement will work incalculable damage to the interests of that great valley.

In these days when an outcry is raised against the pork barrel, I would call the attention of our sister states to the fact that Illinois for this great improvement does not seek one dollar from Congress. That great State is prepared to take upon itself the expense of the whole project, which will inure not only to its own benefit, but to the benefit of its sister states in the Mississippi Valley.

When this waterway of 65 miles is constructed in the Illinois Valley, it will open up to Commerce a waterway 1,600 miles in length between the great lakes and the Gulf of Mexico which will be of incalculable value to the whole Mississippi Valley.

Since the passage of this law, and while the permit was pending before the Secretary of War, one of our own citizens in the State of Illinois filed a bill for injunction, restraining the construction of this great improvement on the ground that he claims that a waterway should be built to the depth of at least fourteen feet. A temporary injunction has been obtained in the lower courts. Of course, the Secretary of War cannot act while this litigation is pending. Behind this application for an injunction, I am satisfied beyond all questions, are the railroad interests and the interests of people in the lower part of the Illinois Valley that have lands which are overflowed and which they purchased for a song. It is very likely their belief that we do not need any cut in the Illinois River Valley at all. As I say, there is a God-created channel there of at least seven feet in depth that engineers of the United States say can be easily deepened to eight feet, but unless we excavate and deepen the river to a greater extent, these lands of theirs will have to be drained by them at their own expense. It is my belief that the interests behind this bill are first the railroads, and secondly, the people who want their low-lands, which are overflowed most of the year, drained by the State of Illinois, by digging a trench fourteen feet in depth, where the Illinois River empties into the Mississippi.

It was originally believed that twenty million dollars would be necessary, but the engineers state that the eight foot canal can be opened for not to exceed five million dollars, and the building and the opening of this tremendous waterway down the Mississippi Valley would benefit not only Illinois, but Missouri and Indiana, and every one of the States in the Mississippi Valley that are manufacturing and that have commerce between these States and the outside world, and that's the reason why I presented this matter to this gathering of the governors, because not

only is my State interested, but I believe all of the States of the Mississippi Valley are intensely interested in the development and construction and completion of this great waterway.

GOVERNOR WHITMAN—What is the condition of the mandamus proceedings?

GOVERNOR DUNNE—It is not a mandamus proceeding; it is an injunction. We have appealed to the Supreme Court, and the case is now pending in the Supreme Court, and of course we do not care to renew or press our application before the Secretary of War, until litigation is out of the way. Naturally, he would say, "Settle your own differences, and then come here and apply for your permit." And I am satisfied, although I have no reason to say I know the mind of the Secretary of War, that with a proper limitation of the flow of water from the Great Lakes,—he is not going to let us lower the level of the Great Lakes,—but with the limitation as to the flow of water, we will eventually get our permit,—after we have settled our litigation.

GOVERNOR GOODRICH—Gentlemen, which one of the papers will you discuss first?

FORMER GOVERNOR FORT—May I ask the privilege, Mr. Chairman, before you start discussion, to make an announcement in regard to the trip this afternoon? I have had prepared, a little schedule so you will know how to get to the boat. Secretary Daniels asked me to say to the conference that every Governor, his wife and friends who are here should come. You can take your families and take any personal friends you have with you. We will go promptly at two o'clock, and we will be back here, I am quite sure, by five. Possibly it will take an hour to go. Somebody suggested it is a cold day. Of course, the boat is beautiful and warm. Everything will be lovely, and we will enjoy the trip. The Lady from the White House will be there—Mrs. Wilson—to receive the ladies, and probably the Secretary's wife and other ladies, and I hope you will try and come,

because the Secretary very generously tendered this invitation, and there should be a large attendance on this trip this afternoon.

GOVERNOR GOODRICH—Gentlemen, which paper will you discuss first, the paper by General Mann or that by Governor Dunne? What's the pleasure of the conference?

GOVERNOR STUART—Mr. Chairman, I move we take up the discussion of the papers in the order in which read. (The motion was thereupon duly put and carried.) We will proceed with the discussion of the paper by General Mann. Has anyone anything to say on the subject?

GOVERNOR DUNNE—I would like to ask a question or two of the General. The State of Illinois, upon the issuance of the call for mobilization, promptly, I think, responded in a very satisfactory way, and I am informed that it was the first State in the United States to send to the front every unit called for by the order of mobilization, the last unit leaving the State on the afternoon of the 4th of July. We have had six regiments of infantry, one regiment of artillery, and one regiment of cavalry down there at the border until about two months ago, I think, General, when some of them began to come home. There has returned to the State of Illinois the cavalry, the artillery regiment, and the First, Second and Eighth Infantry, regiments, leaving on the border the Third, Fourth and Seventh regiments of infantry. Three regiments have been down there since the 4th of July, and a number of the boys are quite impatient to get home. We have two regiments in the State that were not called for by the order of mobilization that have not had any training at the front. Our boys down at the border are anxious to get home, and the two regiments in Illinois that have not had any experience whatever are anxious to get to the front. I want to ask the General if there is any possible way that we could bring about a satisfactory and pleasing and harmonious condition between these two regiments. Two of them, I think, would like to go, and the other three



who have had their six months of arduous training down there, would like to get home.

GENERAL MANN—The Governor is right; that is, two regiments have not been called. There are fourteen regiments of infantry that have not been called out. The call was so arranged with reference to higher units, brigades, divisions, etc., and we had a preponderance of infantry in the National Guard. That is the reason that some of the regiments were left behind. The Secretary has considered very strongly the matter of sending these regiments to replace regiments on the border. There are two factors in that. In the first place is the cost; we have not the money; and, second, whether it would be exactly fair to these regiments to call them out now, and whether they could turn out. I reviewed last night a New Jersey regiment at Camden. They were very much disappointed that they were not called out with the others, and rather felt they were discriminated against, but I doubt very much whether they could turn out their numbers now.

GOVERNOR DUNNE—Why can not we get back these three regiments that have given service ever since the 4th of July? Have they not done their fair proportion of duty, and should they not get home for Christmas?

GENERAL MANN—As I said in the paper proper, it is a hardship that they are kept down there, but as long as this emergency exists it can not be helped. We hope to bring back some more. One contingent was ordered back a week or so ago.

GOVERNOR DUNNE—I am sure it was not an Illinois contingent. We have been watching the reports.

GENERAL MANN—That rests with General Funston. He designates the units to go back.

GOVERNOR STUART, OF VIRGINIA—General, is there any order or rule by which these regiments that have served the longest time should have precedence and be sent home?

GENERAL MANN—General Funston has that all in hand.

GOVERNOR STUART—Is there any rule?

GENERAL MANN—He did have at first; I do not know whether or not there is a rule at present.

GOVERNOR STUART—I did not want any information unless based on some rule, if you know of any existing at this time.

GENERAL MANN—General Funston at first made that rule; whether he has made exceptions to it, I am not in a position to say.

GOVERNOR DUNNE—I hope there will be no exceptions made that will work adversely to my State!

GOVERNOR GOODRICH—Are there any other questions, gentlemen? Do any other gentlemen care to discuss the question?

FORMER GOVERNOR WALSH—I would like to ask if the General does not find more or less extensive criticism of the six year term of service required under the new military law,—being such a departure from the three year requirement of old State militia law.

GENERAL MANN—The six year term includes three years in active service and three years on the reserve; the active service enlistment, though, takes effect from the original enlistment of the soldier, so that it does not hold him in active service any longer than he contemplated when this act was passed. But we have had a number of applications from people who wished to be excused from the reserve part of it.

FORMER GOVERNOR WALSH—The man who now desires to be enrolled has to take an oath for six years?

GENERAL MANN—Yes, for three years in active service, and three years in the reserve.

FORMER GOVERNOR WALSH—I asked you whether your experience thus far has not been that it is lessening the number of applicants for that service?

GENERAL MANN—Well, I only hear that on the side. We have no official reports on that subject, but something is holding back enlistments in the Guard. Whether it is the stories that have come from the border, or whether they felt that they were doing the duty that should be divided more equally among all the young men of the country, I do not know. All those questions have a bearing, I think.

GOVERNOR GOODRICH—Anything further, gentlemen? I might say, General Mann, that I am troubled to some extent with that objection in Indiana. That is, it comes to me in this form, that the members of the Guard are very much concerned about who shall be the Adjutant-General to be appointed by the Governor, and they advise me there will be great difficulty in keeping the Guard up after these boys get back, on account of the exact question raised by Governor Walsh.

GOVERNOR DUNNE—The opposition is very serious in our State.

GOVERNOR STUART OF VIRGINIA—I would like to say, General, the Governor, I suppose, is in a very good position to interpret the sentiment of the people of the State. That and some other things in the present bill very greatly lowered the military spirit in my part of the country. That feature referred to by Governor Walsh, and some other features that need not be discussed here, have resulted in pretty well destroying, if I may not be considered as making an extreme statement, the old military spirit of the people with whom I come in contact, except in time of war. Of course, General, they are always ready for war. I speak now of the reserve.

GENERAL MANN—I think that it has been very unfortunate for the National Guard that that law did not have a chance—that we did not have a chance to find ourselves under that law before the National Guard was called out. I think it would have made a great deal of difference, if we had had a chance to adjust conditions before this active service.

GOVERNOR GOODRICH—Is there anything further, gentlemen? I was impressed by this fact, as I listened to General Mann's paper. He described the splendid physical condition and the improvement of the condition of the men down on the border, which rather raised this question in my mind: Would it not be a splendid thing for every American citizen at some time in his life just to give a year of service to his country? I am rather inclined to think it would. I know I have one boy down there, and he is a great deal better off than if he had not gone. I hope he stays the year out.

GOVERNOR DUNNE—I took occasion to visit the Illinois troop both at Brownsville and San Antonio, and I found them in excellent condition, with reference to physical health and sanitation both. I am glad to bear out the Governor's statement as to health.

GOVERNOR GOODRICH—Anything else, Gentlemen?

GOVERNOR MANNING—I just want to say that the benefit that has come to the National Guard from this service on the border is manifest, even to those who have not had military training. One regiment of South Carolina troops has returned. I want to say that their physical condition is not to be compared with what it was before. The average gain to each man on the border was fifteen pounds.

GOVERNOR STUART—Better food!

GOVERNOR MANNING—Better food, and not so much mental work. When they got back we had a dress parade, and they passed in review. Why, they had the swing of the regulars! I want simply to say that I feel this experience has been most valuable from a military standpoint, and that we have them back now feeling that they are really efficient and capable military men.

GOVERNOR STUART—How is it in South Carolina, General, on the question of the future of the National Guard?

GENERAL MANN—In answer to that question as to the future of the National Guard, I must say that I am full of apprehension about it. I have already the resignations of a number of officers of the regiment that has been mustered out, owing to the loss of positions, etc. I have some law firms among my constituents that have been out of business entirely since last May. I have other firms of men—professional men—whose business has just gone; it is ruined. Those men have not accumulated property enough to feel justified in giving up all interests of that kind, and they feel that in duty to their families they are bound to retire from the service, and make something for their own support.

GOVERNOR DUNNE—Is it not worse with the rank and file?

GENERAL MANN—It is worse with the rank and file. I simply do not know what is to be the future. Of course, there are some going into the regular army, but that number is small, and those who once get out are going to stay out. I do not know what plan we are going to follow, but we have certainly got to change the system. I believe the National Guard is doomed. I do not believe it can be made effective hereafter.

Now my cavalry troop was down on the border. The private reports I have from those men say that they have had a magnificent experience, and many of them are ready for the next call saying it is just simply up to the government. But with the younger troops, I feel full of apprehension. I do not see how the National Guard is to be maintained on the present basis. I do not believe we are going to get the men. If there had been any fighting the situation would have been entirely different. They enlisted expecting to have fighting. They wanted it; were eager for it; but when they went down there simply for the duty they had to perform, they have come back feeling that outside of the military training they have received the sacrifices they have had to make do not justify them in continuing.

GOVERNOR GOODRICH—Anything further?

FORMER GOVERNOR WALSH—There is another feature of that law that ought perhaps to be considered, and that's the compensation feature. Don't you think, General and Governors, that providing for the compensation is going to overcome some of the difficulties you suggest? I look to see quite a movement for enlistment in industrial centers, the compensation of fifty dollars a month being an incentive to many of the men who work in industrial cities; but I am afraid, on the other hand, that it is likely to keep out of the militia a large number of other people who look at it from the public spirit standpoint,—professional men and others.

GENERAL MANN—Mr. Chairman, the troops have not been paid yet, and we do not know how that feature is going to work, but I was told last night—a number of the New Jersey regiment told me—that when the money is paid out and the men see it coming, and rather a large sum will go to each regiment, it will improve matters very much.

FORMER GOVERNOR WALSH—I should think it would, especially in industrial cities.

GENERAL MANN—Yes.

GOVERNOR GOODRICH—May I ask this, General Mann; Were there any colored troops among the volunteers among the National Guard on the border?

GENERAL MANN—Governor Dunne had one regiment.

GOVERNOR DUNNE—We sent a regiment.

GOVERNOR GOODRICH—Was there any difficulty arose through your colored troops? What was their condition?

GOVERNOR DUNNE—Nothing serious. I think there were a few brawls on the street in San Antonio that might have taken place between white men and colored.

GOVERNOR GOODRICH—Are your officers all white?

GOVERNOR DUNNE—They are officered by colored men. The whole regiment is colored.

GOVERNOR GOODRICH—The reason I ask is that up in Indiana the colored folks of our State want to organize at least a battalion. They have never had authority to do that on account of the word "white" being in our statute. Do you notice any difference in efficiency between the troops?

GENERAL MANN—There was some trouble, Governor, as Governor Dunne says, in San Antonio. Texas is pretty far south.

GOVERNOR GOODRICH—What about the comparative efficiency of the two grades of troops?

GENERAL MANN—I think it is in favor of the white man.

FORMER GOVERNOR WALSH—I may also, in answer to your question, say that I have been told by military authorities that where colored troops are officered by white men they are just as efficient and in some respects surpass the white men, and I am told it is quite essential for good discipline to get good results that they should be officered by white men. Is that true General?

GENERAL MANN—That is true; that is our experience in the regular service.

GOVERNOR GOODRICH—Anything further, gentlemen? This discussion will close. What time do you want to adjourn, so we will know what time to give to the other matters?

GOVERNOR GOODRICH—The regular order is to go to the paper of Governor Dunne on the Waterway question. Gentlemen, we are now on the question of waterways, discussing the paper of Governor Dunne. Does anyone desire to say anything on that subject? I just want to say this, Governor Dunne, you can depend in the next four years on everything being done that we can do to help you in any way. I can just add this with respect to freight rates. Before opening the Panama Canal all central Indiana shipped

its freight to the Atlantic Seaboard, then via the Isthmus to Tehautepec, then up the coast. At the present time all the heavy freight from the Gary district, a suburb of Chicago, is now shipped to Galveston and those ports there, and we are just as much interested in a waterway through Illinois as through our own State, because our freight would naturally go through Illinois to reach the Gulf.

Anything further, gentlemen?

GOVERNOR DUNNE—Mr. Chairman, I know that General Bixby, connected with the Federal War Department, is in the room, and I think he would be willing to express his views with reference to the depth of the waterway, and I respectfully suggest that General Bixby be given that opportunity. He is an eminent engineer.

GOVERNOR GOODRICH—That requires unanimous consent, gentlemen. Shall we hear from General Bixby? If we hear no objection, General Bixby will speak very briefly.

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### INFORMAL REMARKS

BY GENERAL WILLIAM H. BIXBY, U. S. A.

Gentlemen, I will take but a moment. I was for three years Chief of Engineers, and in that way all the waterway problems that came before the War Department went over my desk. That is the reason why I should know just what the situation is. More than that, I was on three different boards of the Lakes to the Gulf waterway proposition,—chairman of the last two, and member of the first. That also gave me further chance to know about this matter, and I have served on the Great Lakes for five years on those waterways, and the Mississippi River Commission, president of that for two. Now, that gives me a good chance to know the situation. I want to endorse everything that Governor



Dunne has said with reference to the value of an eight foot waterway, and with regard to the feasibility of a waterway, and the desirability of a waterway. The War Department has been in favor of a depth of something like eight feet for the last forty years. The only thing that has ever been in the way of it has been the question mostly of taking a little more water out of the Great Lakes. No more water than is now permitted, as the Governor has said, is necessary for the eight foot draft. An eight foot draft, too, will carry all the commerce that can go down the waterway for the next fifty years. More than eight feet is absolutely impracticable in the Mississippi between the mouth of the Missouri and the mouth of the Red River. It would cost a good deal more than a hundred million dollars to get it, and it probably would cost almost as much more, or half of it every year, to maintain it, say, with fourteen feet. Anyhow it is impractical. Eight feet is easily gotten, because eight feet has been maintained for years on the Gulf up to the Ohio—up to St. Louis, and six feet up to the mouth of the Illinois River. The only thing left is the Illinois River from Grafton to Chicago, and that would open a road from the Gulf to the Great Lakes, from the Great Lakes eastward to New York. It would tie the whole country together.

Eight or ten years ago an agent of Rothchild's came over to the United States on behalf of the British government to examine into the situation of the development of North America. He made a magnificent report on his return in favor of the waterway development of the Great Lakes and the Mississippi Valley. The report was published in the second Lakes to the the Gulf Waterway Report, or the last one, and anybody can read it if they care to hunt up that last Lakes to the Gulf Waterway Report; so that the War Department has always favored and is favoring an eight-foot waterway.

The only difficulties are local ones which come in the way of political troubles, legal troubles locally, and the drainage question and the water power question, all of which are subordinate from the War Department view, and I am sure

from the government's view, of the great question of transportation.

FORMER GOVERNOR WEEKS—I would like to ask one question. I followed your paper with a great deal of interest, and the engineer has added to it. Does Senator Randall endorse your scheme?

GOVERNOR DUNNE—I understand he is very enthusiastically in favor of it.

FORMER GOVERNOR WEEKS—He is in favor of it?

GOVERNOR DUNNE—I think he comes from a southern State, Louisiana, and probably outside of Illinois, I do not know any State more interested than Louisiana.

FORMER GOVERNOR WEEKS—If Senator Randall endorsed what you are saying here, it seems to me you are getting close to accomplishing something. There is something more I want to ask: Is there any scheme on foot wherein any barge canal scheme comes in on the Mississippi River?

GENERAL BIXBY—They are inaugurating transportation on the Mississippi from the Gulf up to St. Louis, Kansas City and St. Paul, and the only things that are in the way of a magnificent barge transportation from the Gulf up to St. Paul are simply local troubles, such as the lack of terminal facilities, the interference of the local laws by making a boat that is self-propelled add a captain and pilot, and ten times as much crew as they need,—local troubles of that kind. A local barge route is started from the Gulf to St. Paul up the Mississippi, and will extend by means of the Ohio to Pittsburgh, and up the Mississippi to Kansas City, and its only troubles are the troubles that might threaten any new business enterprise.

GOVERNOR DUNNE—Mr. Chairman, I would like to offer a resolution. It was referred to the committee yesterday. As chairman of that special committee, I recommend that we adopt the following resolution:

Resolved, That the members of the Governors' Conference do hereby extend to President and Mrs. Wilson expressions

of deep appreciation and gratitude for the kindly courtesies and generous and gracious hospitality extended to us at the White House on the evening of December 14, 1916, with assurances to our Honorable Host and Hostess that we shall ever recollect the honor conferred upon us.

I move its adoption.

(The motion was thereupon duly seconded, put and adopted by a rising vote.)

GOVERNOR GOODRICH—It is unanimous. Any further discussion on this paper, gentlemen? I think the distinguished engineer hit the heart of this question, gentlemen, and that is the question of terminal facilities, and extensive municipal docks, and wharves, at every important place through our respective States. It goes without saying the time is past when any privately owned enterprise should ever be permitted to control wharfage or docks in any State of the Union. The States should by all means control these.

GOVERNOR DUNNE—Mr. Chairman, I want to express my keen appreciation of the very unqualified endorsement given to the eight foot project by so distinguished a gentleman as Colonel Bixby, connected as he has been for so many years with the war Department of the United States.

GOVERNOR GOODRICH—Is there anything further, gentlemen? If not, is this the last meeting of the conference?

GOVERNOR SPRY—Yes, Sir.

GOVERNOR GOODRICH—If not, the motion to adjourn *sine die* will be entertained by the chair.

FORMER GOVERNOR FORT—Please remind the gentlemen to be prompt at two o'clock.

GOVERNOR GOODRICH—The *Dolphin* will not wait on us. It leaves the Navy Yard at two o'clock. Anything further, gentlemen? If not, a motion to adjourn will be in order.

GOVERNOR DUNNE—I move we do now adjourn *sine die*.

GOVERNOR GOODRICH—You have heard the motion, gentlemen. (The motion was thereupon put and carried.) The conference is adjourned.

(Whereupon the Ninth Annual Session of the Governors' Conference was adjourned *sine die*.)

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#### TRIP TO MOUNT VERNON

At two o'clock on Saturday afternoon, December 16, following adjournment of the sessions of the Governors' Conference, the members of the Conference and their parties boarded the U. S. S. *Dolphin* as guests of Honorable Josephus Daniels, Secretary of the Navy, and were given a delightful trip down the Potomac to Mount Vernon. Miss Margaret Wilson, daughter of the President, gracefully assisted the Secretary of the Navy in entertaining his guests on board and at Mount Vernon. On the return trip luncheon was served on board the *Dolphin*. Following luncheon an informal meeting was held in the cabin of the ship at which meeting the following resolution was unanimously adopted by a rising vote.

Resolved, That the Governors' Conference does hereby express its hearty thanks to Honorable Josephus Daniels, Secretary of the Navy and to Miss Margaret Wilson for the official and personal courtesies extended by them to the members of this Conference, and expresses its keen appreciation of the fact that both the Secretary of the Navy and Miss Wilson generously accompanied the members of the Conference and their parties on the most pleasant trip and visit to Mount Vernon.

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